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No. 52]

NEW DELHI, SATURDAY, DECEMBER 28, 1996/PAUSA 7, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 2 दिसम्बर, 1996

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 2nd December, 1996

का.आ. 3493.—नोटरीज नियम, 1956 के नियम 6 के अनुसंरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राम कुमार वर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे चिरावा, झुंझुनू जिला (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(213)/96—न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी

एवं अपर विधि सलाहकार

S.O. 3493.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ram Kumar Verma, Advocate for appointment as a Notary to practise in Chirawa, District Jhunjhunu (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(213)/96-Judl.]

N. C. JAIN, Competent Authority & Addl Legal Adviser

सूचना

नई दिल्ली, 2 दिसम्बर, 1996

का.आ. 3494.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कुलदीप सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अमृतसर जिला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(214)/96-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी
एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 2nd December, 1996

S.O. 3494.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Kuldip Singh, Advocate for appointment as a Notary to practise in Amritsar District (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(214)/96-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 2 दिसम्बर, 1996

का.आ. 3495.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रदीप दुबे, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे ग्वालियर (मध्य प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(215)/96-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी एवं
अपर विधि सलाहकार

NOTICE

New Delhi, the 2nd December, 1996

S.O. 3495.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Pradeep Dubey, Advocate for appointment as a Notary to practise in Gwalior (Madhya Pradesh).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(215)/96-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 2 दिसम्बर, 1996

का.आ. 3496.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दीपक भटनागर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे शाहबाद मारकण्डा कुरुक्षेत्र जिला (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(216)/96-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी
एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 2nd December, 1996

S.O. 3496.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Deepak Bhatnagar, Advocate for appointment as a Notary to practise in Shahabad Markanda District Kurukshetra (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(216)/96-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 4 दिसम्बर, 1996

का.आ. 3497.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री नीलकान्त कौशिक एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मुजफ्फर नगर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(218)/96-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी
एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 4th December, 1996

S.O. 3497.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Neelkant Kaushik, Advocate for appointment as a Notary to practise in Muzaffar Nagar (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(218)/96-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 4 दिसम्बर, 1996

का.आ. 3498.—नोटरीज नियम, 1956 के नियम 6 के अनुसार में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जतिन्द्र कुमार, एडवोकेट ने के उक्त प्राधिकारी को उक्त नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कुरुक्षेत्र (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(219)/96 न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी
एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 4th December, 1996

S.O. 3498.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Jatinder Kumar, Advocate for appointment as a Notary to practise in Kurukshetra (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(219)/96-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 14 अगस्त, 1996

(आयकर)

का. आ. 3499.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री राजा राजेश्वरी देवस्थानम ट्रस्ट, बंगलूर" को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के

अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने हेतु इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है—

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (v) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कोरोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कोरोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कोरोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10174/फा. सं. 197/85/96-आ. क. नि.]

एच. के. चौधरी, अपर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 14th August, 1996

(INCOME TAX)

S.O. 3499.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Raja Rajeshwari Devasthanam Trust, Bangalore" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10174/F. No. 197/85/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 25 अक्टूबर, 1996

(आयकर)

का. आ. 3500 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ इण्डियन सोसायटी आफ द चर्च आफ जीजस फाइस्ट आफ लेटर डे सेंट्स नई दिल्ली ” को कर-निर्धारण वर्ष 1994-95 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसकी संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारित वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (v) विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10215/फा.सं. 197/132/96-आयकर नि.-1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 25th October, 1996

(INCOME TAX)

S.O. 3500.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Indian Society of the Church of Jesus Christ of Latter Day Saints, New Delhi” for the purpose of the said sub-clause for the assessment years 1994-95 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10215/F. No. 197/132/96-ITA-1]
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 5 दिसम्बर, 1996

(आयकर)

का. आ. 3501 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ चण्डीगढ़ लॉन टेनिस एसोसिएशन, चण्डीगढ़ ” को कर-निर्धारण वर्ष 1990-91 के लिए निम्नलिखित शर्तों पर उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने हेतु उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 10 की उपधारा (2) तथा (3) के उपबन्धों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (v) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति हेतु प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10238/फा.सं. 196/22/89-आ.क. नि. 1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 5th December, 1996

(INCOME TAX)

S.O. 3501.—In exercise of the powers conferred by sub-section (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Chandigarh Lawn Tennis Association, Chandigarh" for the purpose of the said clause for assessment year 1990-91 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10238/E. No. 196-22/89-IT-A-I]
H. K. CHAUDHARY, Under Secy.

आदेश

नई दिल्ली, 13 दिसम्बर, 1996

का. आ. 3502:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/69/96-सी. शु. 8 दिनांक 8-8-1996 को निर्देश जारी किया था कि श्री रामेश एन. शाह पुत्र स्व. नान जी शाह, 202, रचना, बी. पी. रोड, विले पार्ले (पश्चिम) मुंबई - 400056 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार पूना (महाराष्ट्र) में अभिरक्षा में रखा जाए, ताकि

नई दिल्ली, 16 दिसम्बर, 1996

का.आ. 3503.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 245 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री भुवनेन्द्र निगम, सदस्य, केन्द्रीय प्रत्यक्ष कर बोर्ड, राजस्व विभाग को दिनांक 23-10-96 से तथा अगले आदेशों तक अग्रिम विनिर्णय प्राधिकरण के अंशकालिक सदस्य के रूप में नियुक्त करती है।

[फा.सं. ए-12026/14/96-प्रशा. 1]

प्यारे लाल, अवर सचिव

(Department of Revenue)

New Delhi, the 16th December, 1996

S.O. 3503.—In exercise of the powers conferred by section 245-O of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby appoints Shri Bhuvanendra Nigam, an officer of Indian Revenue Service (Income Tax) presently

उसे भविष्य में विदेशी मुद्रा संसाधनों के संवर्धन पर प्रतिकूल प्रभाव डालने वाले किसी भी तरह के कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, मुंबई के समक्ष हाजिर हों।

[फा. सं. 673/69/96-सी. शु. - 8]

प्रकाश चन्द्र, अवर सचिव

ORDER

New Delhi, the 13th December, 1996

S.O.3502.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/69/96-CUS. VIII dated 8th August, 1996 under the said sub-section directing that Shri Ramesh N. Shah S/o Late Nanji Shah, 202, Rचना, V.P. Road Vile Parle (West), Mumbai-400 056 be detained and kept in custody in the Central Prison, Poona with a view to preventing him in future from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/69/96-CUS VIII]

PARKASH CHANDRA, Under Secy.

working as Member, Central Board of Direct Taxes as part-time Member of the Authority for Advance Rulings with effect from the forenoon of the 23rd October, 1996 and until further orders.

[F. No. A-12026/14/96-Adl. 1]

PYARE LAL, Under Secy

केन्द्रीय प्रत्यक्ष कर बोर्ड

CORRIGENDUM

नई दिल्ली, 17 दिसम्बर, 1996

New Delhi, the 17th December, 1996

का. आ. 3504 :—सर्वसधारण के सूचनार्थ यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स नेशनल कोऑपरेटिव डेवलपमेंट कारपोरेशन, नई दिल्ली को आयकर अधिनियम, 1961 की धारा 36 (1) (8) के प्रयोजनार्थ कर निर्धारण वर्ष 1995-96 और 1996-97 के लिए कम्पनी के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर किया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36 (1) (8) के उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. फा. 10243/फा सं. 204/19/94-आयकर नि. II]

मालथी आर. श्रीधरन, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 17th December, 1996

S.O. 3504.—It is notified for general information that M/s. National Cooperative Development Corporation, New Delhi, have been approved by the Central Government as Company for the purposes of section 36(1)(viii) of the Income-Tax Act, 1961, for the assessment years 1995-96 and 1996-97.

The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10243/F. No. 204/19/94-ITA-II]

MALATHI R. SRIDHARAN, Under Secy.

शुद्धि पत्र

नई दिल्ली, 17 दिसम्बर, 1995

का. आ. 3505 :—आयकर अधिनियम, 1961 की धारा 36 की उपधारा (1) के खण्ड (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा सम्स्तक्षयक साल में विनांक 15-11-1996 की अधिसूचना संख्या 10223 में निम्नलिखित सुधार करती है :—

आयकर अधिनियम, 1961 की धारा 36 (1) (8) के अन्तर्गत अनुमोदित कम्पनी का नाम मैसर्स कैन फाइनेंस होम्स लि० के स्थान पर कैन फिन होम्स लि., 32, द्वितीय तल, रेस कोर्स रोड, बंगलौर—560001 पड़ा जाए।

[अधिसूचना सं. 10244/फा. सं. 204/29/96-आयकर नि. II]

मालथी आर. श्रीधरन, अवर सचिव

S.O. 3505.—In the exercise of powers conferred in clause (viii) of sub-section (1) of Section 36 of Income Tax Act, 1961, the Central Government hereby makes the following corrections in the Notification No. 10223 dated 15th November, 1996 in even number of file :—

The name of the company approved u/s. 36(1)(viii) of I.T. Act, 1961 may be read as CAN FIN HOMES LTD., No. 32, II floor, Race Course Road, Bangalore-560001 instead of M/s. CAN FINANCE HOMES LIMITED.

[Notification No. 10244/F. No. 204/29/96-ITA-II]

MALATHI R. SRIDHARAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली 6 दिसम्बर 1996

का. आ. 3506 :—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1989 का 62) की धारा 12 की उपधारा (1) के साथ पठित धारा 10 की उपधारा (1) के खण्ड (क) के अनुसरण में, केन्द्र सरकार एतद्द्वारा, डा. जी. गोस्वामी, वर्तमान मुख्य महाप्रबंधक, भारतीय औद्योगिक विकास बैंक पूर्वी क्षेत्रीय कार्यालय, कलकत्ता को कार्यभार ग्रहण करने की तारीख से 31 जनवरी, 2000 तक की अवधि के लिए आमेसन आधार पर श्री जी० के. तापड़िया के स्थान पर भारतीय औद्योगिक पुनर्निर्माण बैंक के अध्यक्ष के रूप में नियुक्त करती है। वह भारतीय औद्योगिक पुनर्निर्माण बैंक के प्रबंध निदेशक के रूप में भी कार्य करेंगे।

[सं. एफ. 7/16/96-बी. ओ. I]

के. के. मंगल, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 6th December, 1996

S.O. 3506.—In pursuance of clause (a) of sub-section (1) of section 10 read with sub-section (1) of section 12 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby appoints Dr. G. Goswami, presently Chief General Manager, Industrial Development Bank of India, Eastern Regional Office, Calcutta as Chairman, Industrial Reconstruction Bank of India who shall also function as the Managing Director of the Industrial Reconstruction Bank of India from the date of his taking charge and upto 31st January, 2000, on absorption basis vice Shri B.K. Taparia.

[F. No. 7/16/96-BO.I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 10 दिसम्बर, 1996

का. आ. 3507 :—भारतीय रिजर्व बैंक की संस्तुति पर, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा घोषणा करती है कि वि. नूटुर वूमन को-ऑपरेटिव

अर्बन बैंक लि., गुंटुर के मामले में 31 मार्च, 1995 को समाप्त वर्ष के लिए उसके तुलन-पत्र, लाभ-हानि लेखे एवं लेखा परीक्षक की रिपोर्टें समाचार पत्रों में प्रकाशित करने के संबंध में बैंककारी विनियमन अधिनियम, (सहकारी समितियां) नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपबंध उस पर लागू नहीं होंगे।

[फा.सं. 1(35)/96-ए.सी.]

एस.के. ठाकुर, अव्वर सचिव

New Delhi, the 10th December, 1996

S.O.3507.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 31 of the said act read with Rule 10 of the Banking Regulation (Cooperative Societies) Rules, 1966 shall not apply to The Guntur Women Co-operative Urban Bank Ltd., Guntur, in so far they relate to the publication of their balance sheet and profit and loss account for the year ended 31-3-1995 with the auditors report in the news paper.

[F. No. 1(35)/96-AC]

S. K. THAKUR, Under Secy.

नई दिल्ली, 16 दिसम्बर, 1996

का. आ. 3508 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री के. के. चौधरी, मुख्य महाप्रबंधक, भारतीय पिजर्व बैंक, कलकत्ता को श्री जे. गोस्वामी के स्थान पर, यूनाइटेड बैंक ऑफ इण्डिया का निदेशक नामित करती है।

[एफ. सं. 9/18/95-बी. ओ. I (i)]

के. के. मंगल, अव्वर सचिव

New Delhi, the 16th December, 1996

S.O. 3508.—In exercise of the powers conferred by clause (c) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri K. K. Chaudhuri, Chief General Manager, Reserve Bank of India, Calcutta as a Director of United Bank of India vice Shri J. Goswami.

[F. No. 9/18/95-B.O.I(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 16 दिसम्बर, 1996

का. आ. 3509 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, एतद्द्वारा श्री आर. ननजप्पा, मुख्य महाप्रबंधक भारतीय रिजर्व बैंक, हैदराबाद को श्री के. के. चौधरी के स्थान पर आन्ध्रा बैंक का निदेशक नामित करती है।

[एफ. सं. 9/18/95-बी. ओ. I (ii)]

के. के. मंगल, अव्वर सचिव

New Delhi, the 16th December, 1996

S.O. 3509.—In exercise of the powers conferred by clause (c) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby nominates Shri R. Nanjappa, General Manager, Reserve Bank of India, Hyderabad as a Director of Andhra Bank vice Shri K. K. Chaudhuri.

[F. No. 9/18/95-B.O.I(ii)]

K. K. MANGAL, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 5 दिसम्बर, 1996

का.आ. 3510 राजनयिक कोसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां), की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का प्रधान कोसवालालावास जद्दाही में सहायक श्री एस.एस. कादियान की 3 दिसम्बर से सहायक कोसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[रं.टी.-4330/2/96]

वी. महालिंगम, अव्वर सचिव

(पी.बी.एस.)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 5th December, 1996

S.O. 3510.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. S. Kadian, Assistant in the Consulate General of India, Jeddah to perform the duties of Asstt. Consular Officer with effect from 3-12-96.

[No. T/4330/2/96]

V. MAHALINGAM, Under Secy. (Cons.)

पेट्रोलियम और प्राकृतिक गैस संसारण

नई दिल्ली, 19 दिसम्बर, 1996

क्र.आ. 3511.— चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि कोनावन में रोखिया पावर प्लांट, त्रिपुरा तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन बिछाने के प्रयोजन के लिए एतद्भावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आणख एतद्वारा घोषित करती है।

बशर्ते कि उक्त भूमि में हितवाह कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड, अमरतला को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सूतवाई व्यक्तिगत हो.आ. विधि व्यवसायी की सार्फत

अनुसूची

पाइप लाइन परियोजना : कोनावन में रोखिया पावर प्लांट

जिला	तहसील	गांव	प्लाट संख्या	क्षेत्रफल एकड़	टिप्पणी
पश्चिमी त्रिपुरा	बेलप्रखर	बेलप्रखर	2	0.12	
			3	0.04	
			6	0.05	
			10	0.04	
			9	0.04	
			11	0.32	
			2874	0.10	
			29	0.16	
			31	0.10	
			32	0.08	
			33	0.08	
			38	0.34	
			54	0.08	
			53	0.22	
			55	0.03	
			56	0.04	
			57	0.01	
			52	0.01	

1	2	3	4	5
पश्चिम त्रिपुरा	बेलुग्ररचर	बेलुग्ररचर	58	0.02
			227	0.04
			203	0.04
			202	0.03
			204	0.04
			205	0.10
			206	0.05
			207	0.06
			208	0.01
			214	0.10
			215	0.24
			251	0.05
			252	0.06
			253	0.10
			256	0.04
			257	0.12
			2863	0.01
			272	0.03
			274	0.24
			271	0.01
			273	0.01
			275	0.02
			316	0.05
			317	0.12
			318	0.03
			320	0.08
			321	0.06
			394	0.12
			395	0.10
			393	0.10
			392	0.04
			391	0.14
			445	0.06
			443	0.02
			444	0.30
			448	0.02
			450	0.02
			451	0.18
			455	0.05
			456	0.12
			453	0.01
			457	0.03
			470	0.01
			472	0.06
			2747	0.01

1	2	3	4	5
पश्चिम त्रिपुरा	बेलुग्ररचर	बेलुग्ररचर	502	0.12
			503	0.25
			571	0.04
			569	0.02
			2738	0.05
			570	0.10
			568	0.02
			565	0.16
			564	0.16
			585	0.08
			584	0.15
			555	0.03
			586	0.18
			949	0.08
			948	0.08
			946	0.11
			943	0.12
			942	0.04
			941	0.22
			940	0.06
			2761	0.10
			2762	0.06
			937	0.10
			938	0.10
			8667	0.06
			939	0.02
			1284	0.10
			1283	0.14
			1286	0.01
			1289	0.16
			2710	0.12
			2711	0.01
			1293	0.12
			1292	0.26
			1306	0.01
			1304	0.08
			1305	0.10
			1301	0.08
			1307	0.24
			1311	0.08
			1310	0.02
			1316	0.10
			1320	0.08
			1321	0.28
			1366	0.06

रोड

रोड पी हवल्की

रोड

रोड

1	2	3	4	(एकड़) 5
			1438	0.20
			1324	0.20
			1364	0.04 रोड
			1462	0.30
			1463	0.02 रोड
			1464	0.48
			1466	0.01
			1467	0.24
			1470	0.14
			1472	0.40
			1478	0.24
			1479	0.01
			1480	0.14
			1482	0.05
			1481	0.02
			1483	0.10
			1484	0.12
			1524	0.12
			1523	0.08
			1513	0.13
			2180	0.04 रोड
			2196	0.18
			2195	0.10
			2201	0.04
			2202	0.05
			2203	0.18
			2204	0.02
			2205	0.14
			2206	0.05
			2190	0.08
			2207	0.03
			2189	0.01
			2208	0.24
			2131	0.01
			2128	0.01
			2211	0.20
			2212	0.26
			2218	0.26
			2217	0.04
			2219	0.28
			2220	0.03
			2058	0.05
			2057	0.20
			2060	0.04
			2059	0.05

1	2	3	4	5
पश्चिम त्रिपुरा	वेलुग्ररचर	वेलुग्ररचर	2063	0.01
			2062	0.10
			2068	0.03
			2802	0.04
			2064	0.01
			2066	0.01
			2067	0.04
			2070	0.03
			2071	0.05
			2073	0.02
			2074	0.05
			2076	0.02
			2075	0.05
			2077	0.06
			2078	0.08
			1994	0.03
			1995	0.02
			1991	0.04 रोड
			1993	0.02 रोड पी डब्ल्यू डी
			1990	0.01 रोड पी डब्ल्यू डी
			1992	0.02
			1989	0.05
			1908	0.05
			1909	0.02
			1914	0.02
			2721	0.22
			1915	0.02
			1916	0.02
			1928	0.11
			1917	0.16
			1918	0.01
			1919	0.10
			1927	0.03
			1920	0.12
			1922	0.10
			1923	0.12

[स. एल-14016/14/96-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 19th December, 1996

S.O. 3511.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Konaban to Rokhia Power Plant in Tripura State pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Agartala:

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE PROJECT ; KONABAN TO ROKHIA POWER PLANT

District	Tehsil	Village	Plot Number	Area (In Acres)	Remarks
West Tripura	Veluarchar	Veluarchar	2	0.12	
			3	0.04	
			6	0.05	
			10	0.04	
			9	0.04	
			11	0.32	
			2874	0.10	
			29	0.16	
			31	0.10	
			32	0.08	
			33	0.08	
			38	0.34	
			54	0.08	Road
			53	0.22	
			55	0.03	
			56	0.04	
			57	0.01	
			52	0.01	
			58	0.02	
			227	0.04	Road
			203	0.04	
			202	0.03	
			204	0.04	
			205	0.10	
			206	0.05	
			207	0.06	
			208	0.01	
			214	0.10	
			215	0.24	
			251	0.05	
			252	0.06	
			253	0.10	
			256	0.04	
			257	0.12	
			2863	0.01	
			272	0.03	
			274	0.24	
			271	0.01	
			273	0.01	
			275	0.02	
			316	0.05	
			317	0.12	
			318	0.03	
			320	0.08	
			321	0.06	
			394	0.12	
			395	0.12	
			393	0.10	
			392	0.04	
			391	0.14	
			445	0.06	

1	2	3	4	5	6
West Tripura	Veluarchar	Veluarchar	443	0.02	
			444	0.30	
			448	0.02	
			450	0.02	
			451	0.18	
			455	0.05	
			456	0.12	
			453	0.01	
			457	0.03	
			470	0.01	
			472	0.06	
			2747	0.01	
			502	0.12	
			508	0.25	
			571	0.04	
			569	0.02	
			2738	0.05	
			570	0.10	
			568	0.02	
			565	0.16	
			564	0.16	
			585	0*08	
			584	0.15	
			555	0.03	
			586	0.18	
			949	0.08	
			948	0.08	
			946	0.11	
			943	0.12	
			942	0.04	
			941	0.22	
			940	0.06	
			2761	0.10	
			2762	0.06	
			937	0.10	Road
			938	0.10	PWD Road
			867	0.06	PWD Road
			939	0.02	
			1284	0.10	
			1283	0.14	
			1286	0.01	
			1289	0.16	
			2710	0.12	
			2711	0.01	
			1291	0.12	
			1292	0.26	
			1306	0.01	
			1304	0.08	
			1305	0.10	
			1301	0.08	
			1307	0.24	
			1311	0.08	
			1310	0.02	
			1316	0.10	

1	2	3	4	5	6
West Tripura	Veluarchar	Veluarchar	1330	0.08	
			1321	0.28	
			1366	0.06	Road
			1438	0.30	
			1324	0.20	
			1364	0.04	Road
			1462	0.30	
			1463	0.02	Road
			1464	0.48	
			1466	0.01	
			1467	0.24	
			1470	0.14	
			1472	0.40	
			1478	0.24	
			1479	0.01	
			1480	0.14	
			1482	0.05	
			1481	0.02	
			1483	0.10	
			1484	0.12	
			1524	0.12	
			1523	0.08	
			1513	0.13	
			2180	0.04	Road
			2196	0.18	
			2195	0.10	
			2201	0.04	
			2202	0.05	
			2203	0.18	
			2204	0.02	
			2205	0.14	
			2206	0.05	
			2190	0.08	
			2207	0.03	
			2189	0.01	
			2208	0.24	
			2131	0.01	
			2128	0.01	
			2211	0.20	
			2212	0.26	
			2218	0.26	
			2217	0.04	
			2219	0.28	
			2220	0.03	
			2058	0.05	
			2057	0.20	
			2060	0.04	
			2059	0.05	
			2063	0.01	
			2062	0.10	
			2068	0.03	
			2802	0.04	
			2064	0.01	
			2066	0.01	

1	2	3	4	5	6
			2067	0.04	
			2070	0.03	
			2071	0.05	
			2073	0.02	
			2074	0.05	
			2076	0.02	
			2075	0.05	
			2077	0.06	
			2078	0.08	
			1994	0.03	
			1995	0.02	
			1991	0.04	Road
			1993	0.02	PWD Road
			1990	0.01	PWD Road
			1992	0.02	
			1989	0.05	
			1908	0.05	
			1909	0.02	
			1914	0.02	
			2721	0.02	
			1915	0.02	
			1916	0.02	
			1928	0.11	
			1917	0.16	
			1918	0.01	
			1919	0.10	
			1927	0.03	
			1920	0.12	
			1922	0.10	
			1923	0.12	

[No.L-14016/14/96-GP]

ARDHENDU SEN, Director

नई दिल्ली, 12 दिसम्बर, 1996

का.प्रा. 3512.—पैट्रोलियम और खनिज पाइप लाइन अधिनियम, 1962 की धारा 17 का सं.—
 के अंतर्गत पैट्रोलियम पाइप लाइन (भूमि) उपयोग के अधिकार का अर्जन नियम 1963 के स्पष्टीकरण अन्तर्गत
 नियम 4 के प्रावधान के अनुसार में नाम संक्षेप प्राधिकारी गैस अथवा रिती आफ इंडिया लिमिटेड, राजमंडी के
 परामर्श से जिसे उस क्षेत्र में भूमि के उपयोग का अधिकार प्रदान किया गया है अथवा उस क्षेत्र में पाइप लाइन का स्वामित्व
 प्रदान है जैसा भी मामला हो एतद्द्वारा घोषणा करता हूं कि मन्दापैटा जी जी एस से जी.वी.के. इन्स्टीट्यूट पाइप लाइन
 के बिछाने संबंधी कार्य के समापन की तिथि संलग्न परिशिष्ट अनुसूची के स्तम्भ 8 के अनुसार है।

अनुसूची

क्रम सं.	गांव का नाम	मंडल	अधिसूचना द्वारा 3(1)		अधिसूचना द्वारा 6(1)		समापन कार्य की तारीख
1	2	3	राजपद के प्रकाशन की तिथि	क्रम सं. और तिथि	राजपद के प्रकाशन की तिथि	क्रम सं. और तिथि	8
1. वदपल्ला	आलमूर	22	23(ई)	2	85	30-6-96	
		11-1-95	10-1-95	13-1-95	13-1-96		

1	2	3	4	5	6	7	8
2.	आलमूर	"	"	24(ई) 10-1-95	"	86 13-1-96	"
3.	मोदुकुरु	"	"	25(ई) 10-1-95	"	87-88 13-1-96	"
4.	यडिदा	मंडपटा	"	26(ई) 10-1-95	"	89 13-1-96	"
5.	मुरमुंडा	कडियम	"	27(ई) 10-1-95	"	90 13-1-96	"
6.	जेगरुपाडु	"	"	28(ई) 10-1-95	"	91, 92 13-1-96	"

[संख्या एल-14016/16/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 12th December, 1996

S.O. 3512.—In pursuance of proviso to rule 4 under explanation of the Petroleum and Minerals Pipe Line (Acquisition of Right of User in Land) Rules 1963 framed under Section 17 of the Petroleum and Minerals Pipe Line (Acquisition of Right of User in Land Act 1962) I. B. Sreenivasulu,

the Competent Authority in consultation with the Gas Authority of India Limited. Rajahmundry with whom the right of user in the land in that area has vested or ownership of the pipe line in that area vest as the case may be, hereby declare the date of Termination of Operations of laying pipe line from Mondapeta GCS to G.V.K. Industries, Jevurmadu as mentioned in column 8 of the schedule appended herewith.

SCHEDULE

Sl. No.	Name of the Village	Mandal	Notification U/s. 3(1) Date of Publication of Gazette	S.O. No. & Date	Notification U/s. 6(1) Date of Publication Of Gazette	S.O. No. & Date	Date of Termination of Operations
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	P. dapalla	Alamuru	22 11-1-95	23(E) 10-1-95	2 13-1-96	85 13-1-96	30-6-1996 "
2.	Alamuru	Alamuru	"	24(E) 10-1-95	" "	86 13-1-96	"
3.	Modukuru	Alamuru	"	25(E) 10-1-95	" "	87 & 88 13-1-96	"
4.	Yedithe	Mandapeta	"	26(E) 10-1-95	" "	89 13-1-96	"

SCHEDULE

5. Muramanda	Kadiyam	..	27(E)	..	90	..
			10-1-95		13-1-96	
6. Jegurupadu	Kadiyam	..	28(E)	..	91 & 92	..
			10-1-95		13-1-96	

[No. L-14016/16/94 G.P]
ARDHENDU SEN, Director

रसायन और उर्वरक मंत्रालय

नई दिल्ली, 22 अक्टूबर, 1996

का.आ. 3513.— लोक परिसर (अवधिकृत दखलदारों की बेदखली) अधिनियम 1971 (1071 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्न तालिका के कालम (1) में निर्दिष्ट अधिकारी को सरकार के राजपत्रित अधिकारी के समकक्ष स्तर का अधिकारी होने के नाते उक्त अधिनियम के प्रयोजनार्थ एतद्वारा सम्पदा अधिकारी के रूप में नियुक्त करती है, जो प्रदत्त शक्तियों का प्रयोग करेंगे और उक्त वर्णित तालिका के कालम (2) की तदनुषंगी प्रविष्टि में निर्दिष्ट लोक परिसरों के संबंध में अपने क्षेत्राधिकार की सीमाओं के भीतर, उक्त अधिनियम के तहत अथवा द्वारा सम्पदा अधिकारी के लिए निर्धारित अपने दायित्वों का निष्पादन करेंगे।

तालिका

अधिकारी का पदनाम	लोक परिसरों की श्रेणियां तथा क्षेत्राधिकार की स्थानीय सीमाएं
1	2
मुख्य कार्यकारी अधिकारी, राष्ट्रीय कैमिकल्स एण्ड फर्टिलाइजर्स लि., थाल यूनिट, थाल, अलीबाग, जिला रायगढ़, महाराष्ट्र	राष्ट्रीय कैमिकल्स एण्ड फर्टिलाइजर्स लि. से संबंधित अथवा थाल वोरिस बैण्ठ और गुंजिज गांवों में स्थित इसके थाल यूनिट हेतु इसके द्वारा पट्टे पर लिए गए अथवा इसकी ओर से लिए गए परिसरों और महाराष्ट्र के रायगढ़ जिले में कुहल, वैशवी, चन्देरी किह्लिम तथा नामनपुर गांवों में स्थित इसके नगर क्षेत्र।

[फा.सं. 82/7/92/एफ.जी.सी.]
एस.के. साम, निदेशक (प्र.)

MINISTRY OF CHEMICALS & FERTILIZERS

New Delhi, the 22nd October, 1996

S.O. 3513.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officer mentioned in column (1) of the Schedule below, being an officer equivalent to the rank of gazetted officer of the Government, to be Estate Officer for the purposes of the said Act who shall exercise the powers conferred and perform his duties imposed on the Estate Officers by or under the said Act, within the limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Schedule.

SCHEDULE

Designation of the Officer	Categories of Public Premises & local limits of jurisdiction
(1)	(2)
Chief Executive Officer Rashmiya Chemicals and Fertilizers Limited Thal Unit, Thal, Alibag, Distt. Raigad Maharashtra	Premises belonging to or taken on lease by or on behalf of Rashmiya Chemicals and Fertilizers Limited for its Thal Unit located at Thal Bois, Vaishet & Gunjis villages and townships located at Kurul, Veshvi, Chendhare, Kihim and Bamansure villages in Raigad District of Maharashtra.

[F. No. 82/7/92-FDC]
S. K. DASH, Director (A)

जल-भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 29 अक्टूबर, 1996

का प्रा. 3514.—गोदी श्रमिक (रोजगार का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 8 की उपधारा (1) तथा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार गोदी श्रमिक (सलाहकार समिति) नियमावली, 1962 में संशोधन करने के लिए निम्नलिखित और नियम बनाती है, अर्थात् —

इन नियमों का नाम गोदी श्रमिक (सलाहकार समिति) संशोधन नियम, 1996 होगा।

गोदी श्रमिक (सलाहकार समिति) नियम, 1962 (जिसे इसमें आगे नियम कहा गया है) के नियम 3 में —

(क) खंड (1) के स्थान पर निम्नलिखित खंड प्रतिस्थापित किया जाएगा,

“(1) केन्द्र सरकार का प्रतिनिधित्व करने वाले दस सदस्य निम्नलिखित होंगे —

- (i) सचिव, जल भूतल परिवहन मंत्रालय —अध्यक्ष
- (ii) संयुक्त सचिव (पत्तन), जल-भूतल परिवहन मंत्रालय।
- (iii) अध्यक्ष, कलकत्ता गोदी श्रमिक बोर्ड, कलकत्ता।
- (iv) अध्यक्ष, मद्रास गोदी श्रमिक बोर्ड, मद्रास।
- (v) अध्यक्ष, विशाखापत्तनम गोदी श्रमिक बोर्ड, विशाखापत्तनम।
- (vi) अध्यक्ष, मुरुगांव गोदी श्रमिक बोर्ड, मुरुगांव।
- (vii) अध्यक्ष, कांडला गोदी श्रमिक बोर्ड, कांडला।
- (viii) अध्यक्ष, मुम्बई पत्तन न्यास, मुम्बई।
- (ix) अध्यक्ष, कोचीन पत्तन न्यास, कोचीन।
- (x) महानिदेशक, एफ. ए. एस. एल. आई. (कारखाना सलाहकार सेवा एवं श्रमिक संस्थान), मुम्बई।”

[फा. सं. एल. बी. 13019/1/95—यू. एस.—(एल)]
एस. के. दरगन, अवर सचिव

MINISTRY OF SURFACE TRANSPORT

(Transport Wing)

New Delhi, the 29th October, 1996

S.O. 3514.—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the

Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government makes the following rules further to amend the Dock Workers (Advisory Committee) Rules, 1962, namely :

These rules may be called the Dock Workers (Advisory Committee) Amendment Rules, 1996.

In rule 3 of the Dock Workers (Advisory Committee) Rules, 1962 (hereinafter referred to as the Rules :—

(a) for clause (1), following clause shall be substituted :

“(1) Ten members representing the Central Government who shall be—

- (i) The Secretary Ministry of Surface TransportChairman.
- (ii) The Joint Secretary (Ports), Ministry of Surface Transport.
- (iii) The Chairman, Calcutta Dock Labour Board, Calcutta.
- (v) The Chairman, Madras Dock Labour Board, Madras.
- (v) The Chairman, Visakhapatnam Dock Labour Board, Visakhapatnam.
- (vi) The Chairman, Mormugao Dock Labour Board, Mormugao.
- (vii) The Chairman, Kandla Dock Labour Board, Kandla.
- (viii) The Chairman, Mumbai Port Trust, Mumbai.
- (ix) The Chairman, Cochin Port Trust, Cochin.
- (x) The Director General, FASLI (Factory Advice Service and Labour Institute), Mumbai.”

[F.No.LB-13019/1/95-US-(L)]
S.K. DARGAN, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)

नई दिल्ली, 5 दिसम्बर, 1996

का.आ. 3515.—होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में, डा. अनिल आर. भाटिया को मुम्बई विश्वविद्यालय के होम्योपैथी के संदर्भ बोर्ड के सदस्यों द्वारा 9 मई, 1995 को केन्द्रीय होम्योपैथी परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (i) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का.आ. 482 (अ) तारीख 8 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना की सारणी में “धारा 3 की उपधारा (1) के खंड (ख) के अन्तर्गत नामित” शीर्षक के अन्तर्गत श्रम सं. 14 और उससे सम्बन्धित प्रविष्टियों के स्थान पर, निम्नलिखित श्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात्:—

1	2
14	“डा. अनिल आर. भाटिया मुम्बई विश्वविद्यालय, 803, स्टेलर टॉवर, लोखंडवाला कॉम्प्लेक्स, अंधेरी (पश्चिमी) मुम्बई-400053

[सं.वी. 27021/46/(4)/94/होम्यो-ई.यू.]
कंवल दास, अवर सचिव

पाद टिप्पण:

मुख्य अधिसूचना, भारत के राजपत्र, दिनांक 6 अगस्त, 1974 की अधिसूचना सं. का.आ. 482 (अ) के तहत प्रकाशित हुई थी और इन अधिसूचनाओं सं. का.आ. 484 (अ) दिनांक 6 अगस्त, 1974, का.आ. 740 (अ) दिनांक 29 अगस्त, 1990, का.आ. 818 (अ) दिनांक 22 अगस्त, 1990, का.आ. 75 (अ) दिनांक 6 फरवरी, 1991, का.आ. 547 दिनांक 27 जनवरी, 1992 का.आ. 126 दिनांक 27 अप्रैल और का.आ. 2700 दिनांक 27 सितम्बर, 1992 के द्वारा तदनन्तर संशोधन किए गए।

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of ISM & Homoeopathy)

New Delhi, the 5th December, 1996

S. O.—3515.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), Dr. Anil R. Bhatia has been elected as a member to the Central Council of Homoeopathy by the members of the Faculty of Homoeopathy of the University of Bombay,

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in notification of the Government of India in the then Ministry of Health and Family Planning (Department of Health), number S.O. 482 (E), dated 6th August 1974, to wit:—

In the Table to the said notification, under the heading “elected under clause (b) of sub-section (1) of section 3”, for serial number 14 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

1	2
14.	“Dr. Anil R. Bhatia 803, Stellar Tower Lokhandwala University of Bombay” Complex, Anandri (West) Bombay 400053

[No. V. 27021/46/(4)/94/Homoeo-EU.]
KANWAL DAS, Under Secy.

Foot Note : The original Notification was published in Gazette of India vide Notification No. 482 (E) dated 4th August 1974 and subsequently amended by Notification numbers S.O. 484 (E) dated 6th August, 1974, S.O. 740 (E), dated 29th August, 1990, S.O. 818 (E) dated 22nd August, 1990, S.O. 75 (E) dated 6th February, 1991, S.O. 547 dated 27th January, 1992, S.O. 1263 dated 27th April, 1992 and S.O. 2700 dated 27th September 1992.

नई दिल्ली, 5 दिसम्बर, 1996

1

2

का.आ. 3516.—होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबन्धों के अनुसरण में, डा. (श्रीमति) इन्दुलकर रजनी सुबास को पुणे विश्वविद्यालय के होम्योपैथी के तदर्थ बोर्ड के सदस्यों द्वारा 9 मई, 1995 को केन्द्रीय होम्योपैथी परिषद का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का. आ. 482 (अ) 6 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात् —

उक्त अधिसूचना की सारणी में “धारा 3 की उपधारा (1) के खंड (ख) के अन्तर्गत नामित” शीर्षक के अन्तर्गत क्रम सं. 17 और उससे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी—

1	2
17 “डा. (श्रीमति) इन्दुलकर रजनी सुबास, प्रधानाचार्य,	पुणे विश्वविद्यालय”

लोकमान्य मेडिकल फाउंडेशन

होम्योपैथी मेडिकल कालेज,

चिचिवाड, पुणे-411053

1/11 अजय अपार्टमेंट्स,

सेनापति बापट रोड,

पुणे-411053

[सं. बी. 27021/46/(18)/94-होम्यो-ई.यू.]

कंवल दास, अवसर सचिव

पाद टिप्पण :

मुख्य अधिसूचना भारत के राजपत्र में सं. का. आ. 482(अ) दिनांक 6 अगस्त, 1974 तथा अधिसूचना 740 (अ) दिनांक 29 अगस्त, 1990, का.आ. 547 दिनांक 27 जनवरी, 1992 तथा का.आ. 1263 दिनांक 27 अप्रैल, 1992 द्वारा संशोधित किए गए।

New Delhi, the 5th December, 1996

S.O. 3516.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), Dr. (Mrs.) Indulkar Rajani Subash has been elected on 9th May, 1995 as a member to the Central Council of Homoeopathy by the members of the ad-hoc Board of Homoeopathy of the University of Poona.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 3 of the said Act the Central Government hereby makes the following amendment the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health), number S.O. 482(E), dated 6th August, 1974, namely :—

In the Table to the said notification, under the heading ‘elected under clause (b) of sub-section (1) of section 3 for serial number 17 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

1	2
17. “Dr. Mrs. Indulkar Rajani Subash Principal, Lokmanya Medical Foundation’s Homoeopathic Medical College, Chichiwad, Pune—411053. 1/11 Ajay apartments Senapati Bapat Road, Pune—411053.	University of Poona”

[No. V. 27021/46 (18)/94/Homoeo-EU]

KANWAL DAS, Under Secy.

Foot Note: The original Notification was published in Gazette of India vide S.O. 482(E), dated the 6th August, 1974 and subsequently amended by Notification numbers S.O. 740 (E), dated 9th August, 1990, S.O. 547 dated 27th January, 1992 and S.O. 1263 dated 27th April, 1992.

नई दिल्ली, 5 दिसम्बर, 1996

का.आ. 3517—होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में, शिवाजी विश्वविद्यालय, कोल्हापुर से डा. एस. डी. पाटिल को केन्द्रीय होम्योपैथी परिषद का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालिक स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना संख्या कां०आ० 482 (अ), तारीख 6 अगस्त, 1974 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में, धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के अन्तर्गत क्रम सं. 18 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

1	2
18. डा. एस. डी. पाटिल मौली क्लिनिक 2025, "ए" वार्ड, शिवाजी पेट, कोल्हापुर।	शिवाजी विश्व- विद्यालय

[सं. बी. 27021/46(6)/94-होम्यो-ई.य.]

कंवल दास, अधर सचिव

पाद टिप्पणी :

मुख्य अधिसूचना भारत के राजपत्र में दिनांक 6 अगस्त, 1974 की अधिसूचना सं. एस. ओ. 482 (ई) के तहत प्रकाशित हुई थी और इन अधिसूचना संख्या एस.ओ. 484 (इ) दिनांक 6 अगस्त, 1974; एस.ओ. 740 (इ) दिनांक 29 अगस्त, 1990, एस.ओ. 818 (इ) दिनांक 22 अगस्त, 1990 एस.ओ. 75 (इ) दिनांक 6 फरवरी, 1991, एस.ओ. 547 दिनांक 27 जनवरी, 1992, एस.ओ. 1263 दिनांक 27 अप्रैल, 1992 और एस.ओ. 2700 दिनांक 27 सितम्बर, 1992, के द्वारा तदन्तर संशोधन किए गए।

New Delhi, the 5th December, 1996

S.O. 3517—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), Dr. S. D. Patil has been elected as a member to the Central Council of Homoeopathy from Shivaji University, Kolhapur.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following Further amendment in the notification of the Government of India in the erstwhile Ministry of Health and Family Planning (Department of Health), number S.O. 482 (E), dated 6th August, 1974, namely :—

In the Table to the said notification, under the heading 'elected under clause (b) of sub-section (1) of section 3 for serial number 18 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

1	2
"18. Dr. S D. Patil Mauli Clinic 2025, 'A' Ward, Shivaji Peth, Kolhapur	Shivaji University"

[No. V. 27021/46 (6)/94/Homoeo-EU]

KANWAL DAS, Under Secy.

Foot Note : The Principal Notification was published in Gazette of India vide Notification number S.O. 482 (E), dated the 6th August, 1974 and subsequently amended by notification numbers S.O. 484 (E), dated 6th August 1974, S.O. 740 (E), dated 29th August, 1990 S.O. 818 (E) dated 22nd August 1990, S.O. 75 (E) dated 6th February, 1991, S.O. 547 dated 27th January, 1992, S.O. 1263 dated 27th April 1992 and S.O. 2700 dated 27th September, 1992.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 20 दिसम्बर, 1996

का. आ. 3518.—दिल्ली विकास (मुख्य योजना एवं क्षेत्रीय विकास योजना) नियम, 1959 के नियम-5 के साथ पठित दिल्ली विकास अधिनियम, 1957 (1957 की सं. 61) की धारा 10(1) के अन्तर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली की क्षेत्रीय विकास योजना के प्रारूप को तैयार करने एवं उसके प्रकाशन के लिए सूचना।

एतद्वारा सूचना दी जाती है कि :—

(क) राष्ट्रीय राजधानी क्षेत्र दिल्ली के जोन "जी" (पश्चिम दिल्ली) की क्षेत्रीय विकास योजना का प्रारूप तैयार कर लिया गया है।

(ख) उत्तरी एक प्रति निरीक्षण के लिए दिल्ली विकास प्राधिकरण के कार्यालय, भूतल, विकास मीनार, आई.पी. एस्टेट, नई दिल्ली में नीचे पैरा 3 में उल्लिखित तारीख तक कार्य दिवसों को पूर्वाह्न 11.00 बजे से अपराह्न 5 बजे तक उपलब्ध रहेगी।

2. इस प्रारूप योजना के संबंध में एतद्वारा आपत्तियां एवं सुझाव आमंत्रित किए जाते हैं।

3. आपत्तियां अथवा सुझाव लिखित रूप में आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लॉक, आई.एन. ए., नई दिल्ली 110023 को सन् 1997 के मार्च महीने की 31 तारीख तक भेज सकते हैं।

आपत्ति करने या सुझाव देने वाला व्यक्ति अपना नाम एवं पता भी दें।

नई दिल्ली

दिनांक 28-12-96

[सं. एफ. 1(26)/94-जैड.पी.]

विषय मोहन बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY PUBLIC NOTICE

New Delhi, the 20th December, 1996

S.O. 3518.—Notice under section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rule 5 of the Delhi Development (Master Plan and Zonal Development Plan-Rules 1959) of the preparation and publication of the draft of the Zonal Development Plan for the National Capital Territory of Delhi.

Notice is hereby given that :

(a) A draft of a Zonal Development Plan for zone 'G' (West Delhi) in the National Capital Territory of Delhi has been prepared.

(b) A copy thereof will be available for inspection in the office of the Delhi Development Authority, on Ground Floor, Vikas Minar, I. P. Estate, New Delhi between hours of 11.00 A.M. to 5 P.M. on all working days till the date mentioned in para '3' hereinafter.

2. Objections and suggestions are hereby invited with respect to this draft plan.

3. The objections or suggestions may be sent in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi-110023 before the 31st day of March, 1997.

Any person making the objections or suggestions should also give his name and address.

New Delhi :

Dated : 28-12-1996.

[No. F. 1(26)/94-ZP]

V. M. BANSAL, Commissioner-cum-Secy.

श्रम मंत्रालय

नई दिल्ली, 1 अक्टूबर, 1996

का. आ. 3519 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-96 को प्राप्त हुआ था।

[संख्या एन-12012/57/88/डी II ए/आई आर बी. (II)]

नवातन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 1st October, 1996

S.O. 3519.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on the 30-9-96.

[No. L-12012/57/88/D II A/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE S IRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
DEOKI PALACE ROAD, PANDU NAGAR,
KANPUR

Industrial Dispute No. 138 of 1988

In the matter of dispute between :

Raj Kumar Dixit

C/o Shri V. N. Sekhari

26/104 Birhana Road, Kanpur

AND

Regional Manager,
Punjab National Bank,
The Mall, Kanpur

APPEARANCE: Shri S. Kapoor for the Management
Shri V.P. Srivastava for the
workman

AWARD

1. Central Government, Ministry of Labour,
New Delhi vide its notification No. L-12012/57/
88. DII (A) dated 27-10-88 has referred the follo-
wing dispute for adjudication to this Tribunal :

Whether the action of the management of Punjab National Bank in terminating the services of Shri Raj Kumar Dixit and not considering him for further employment while recruiting fresh hands under Section 25 H of the I. D. Act is justified? If not to what relief is the workman entitled?

2. The concerned workman R. K. Dixit in his claim statement has alleged that he had worked as a peon with erstwhile Hindustan Commercial Bank from 1-3-83 to 25-3-83 at General Gaj branch from 19-4-84 to 18-7-84 at Unnao branch and from 5-9-85 to 4-12-85 at the same branch. It is alleged that he had worked on a permanent post he was not junior most when he was not assigned work. Hence his termination is bad in law. Further he was not given opportunity when new hands were taken. This Bank was amalgamated with opposite party Punjab National Bank on 18-12-86.

3. The case of the opposite party Bank is that the concerned workman was engaged in leave vacancy giving further details it was alleged that the previous bank had prepared a pannel of 158 candidates in which the name of concerned workman was at Sl. No. 127 where as engagement was given to the candidate at Sl. No. 109. The prospective candidates were given employment in leave vacancy to gain experience it was in this back ground that the concerned workman was given employment in leave vacancy. In

such a case question of applicability of Section 25 G & H does not apply.

4. In the rejoinder it was alleged that junior to the concerned workman in the pannel were given employment whereas the concerned workman was not given chance. Hence on this score too he is entitled for employment. His termination is bad.

5. It is true that in his statement the concerned workman has stated that juniors to him were retrenched in service and that fresh hands were employed. Still I think the concerned workman is not entitled for the benefits of Section 25 G & H I. D. Act as he had worked in leave vacancy. There are copies of appointment letter filed by the concerned workman dated 23-2-83, 18-4-83 and 4-9-85 which go to show that workman was given chance in leave vacancy. A person who works in leave vacancy is not entitled for benefit of Section 25 G & H I. D. Act. Hence on this score termination of the concerned workman can not said bad in law.

6. However there is one other aspect of the case. It is common ground that a pannel was prepared in which the name of the concerned workman was at Sl. No. 127. The concerned workman in his evidence has stated that one Satgur Prasad figuring at Sl. No. 151 has been given employment. Thus a candidate whose name is much below the concerned workman has been given employment. In order to meet this point the management has filed a copy of settlement arrived at between Punjab National Bank and Satgur Prasad on 10-6-85 before ALC. It is submitted that it was in pursuance of this settlement that Satgur Prasad given employment. It was not individual act of the Bank. I think this will not help the opposite party in any manner. When Satgur Prasad has raised the dispute before ALC the bank could have raised the plea that candidate senior to him in the pannel are still awaiting employment. In its absence possibility of collusion between the bank and Satgur Prasad for circumventing the seniority of the pannel, can not be ruled out. In any case the concerned workman is not concerned about the manner of giving the employment to Satgur Prasad. He will get right of employment as soon as a candidate figuring lower in list, is given employment. Hence in my opinion the bank was not justified in depriving the concerned workman of the job after 4-12-85 when Satgur Prasad was given employment on 10-6-85.

7. Hence my award is that the termination of concerned workman is bad in law and he is entitled for reinstatement without back wages within one month from publication of award.

Let six copies of award be sent to the Govt. of India, Ministry of Labour for its publication.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 1996

का. प्रा. 3520:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपद को प्रकाशित करनी है, जो केन्द्रीय सरकार को 28-11-96 को प्राप्त हुआ था।

[संख्या एन—12012/132/88-डी II ए-आई. प्रा. (बी. II)]
सनातन, डेस्क अधिकारी

New Delhi, the 2nd December, 1996

S. O. 3520:— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on the 28-11-96.

[No. L-12012/132/88-D II A/IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 96 of 1991

In the matter of dispute between :

1. Ramesh Chandra Verma
C/o R.M. Shukla 119/30, Naseemabad, Kanpur,
2. Rajendra Kumar
C/o A. K. Kulshreshtha
6 P & T Colony Agra.
3. A.K. Mehrotra
C/o A.K. Kulshreshtha
6 P & T Colony, Agra.
4. Ramesh Chandra Verma
C/o R.M. Shukla
119/30 Naseemabad, Kanpur.
5. Mahesh Chandra Verma
C/o R.M. Shukla
119/30 Naseemabad, Kanpur.
6. Baboo Lal
C/o R.M. Shukla,
119/30 Naseemabad, Kanpur.
7. Prakash Chand Gautam
C/o R.M. Shukla
119/30 Naseemabad Kanpur,
3092 GI/96—4

8. Ashok Kumar
C/o R.M. Shukla
119/30 Naseemabad, Kanpur.

And

Regional Manager
Central Bank of India,
Belanganj, Agra.

APPEARANCE : Km. Neeta Mathur & R.M. Shukla
for the concerned workmen.

AWARD :

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/132/88-DII(A)-dated nil has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Central Bank of India is not giving permanent appointment to the workman listed below is justified? If not, to what relief are the workmen entitled?

1. Ashok Kumar Sharma, 2. Rajendra Kumar, 3. A.K. Mehrotra, 4. Ramesh Chandra Verma, 5. Mahesh Chandra Verma, 6. Baboo Lal 7. Prakash Chand Gautam and 8. Ashok Kumar.

2. In this reference there are 8 workmen whose names according to the reference are as under—

1. Ashok Kumar Sharma, 2. Rajendra Kumar, 3. A.K. Mehrotra, 4. Ramesh Chandra Verma, 5. Mahesh Chandra Verma, 6. Baboo Lal, 7. Prakash Chand Gautam and 8. Ashok Kumar.

Out of them Anoop Kumar Mehrotra and Rajendra Kumar are of clerical category whereas remaining 4 are of substaff category.

3. Ramsh Chandra Verma one of the workman falling in substaff category had moved an application before this Tribunal informing that he is not interested in prosecution of the case. My learned predecessor on 20.4.91 had ordered that his case will be sent as no claim award when final award is sent. It will be done accordingly.

4. The claim of the remaining five workmen except that of Ashok Kumar of substaff category is based on wait list which was duly prepared on the basis of written test held on 27.6.91 and interview on 20.7.91. In this wait list the name of Ashok Kumar Sharma appears at serial no. 55, that of Mahesh Chandra Verma at serial no. 64, that of Baboo Lal at serial no. 53 and that of Prakash Chandra Gautam at serial no. 57. In the claim statement Baboo Lal has alleged that despite the fact that his name was at serial no. 53, the candidates appearing at serial no. 59 Bramhanand and at serial no. 63 P.K. Chaturvedi were given employment without affording any chance to the concerned workmen. Hence the concerned workman was entitled for employment.

5. Ashok Kumar Sharma in his claim statement has alleged that his name was at serial no. 55 whereas Bramhanand and P.K. Chaturvedi appearing at serial no. 59 and 63 respectively have been given employment in utter breach of seniority list. Thus the claim of both these persons is on the same footing.

6. The case of Mahesh Chandra Verma is that his name was at serial no. 64 similarly the case of Prakash Chandra Gautam is that his name was at serial no. 67. Others have been given chance while they have not been given chance. Management had been giving assurance to them that they would be provided employment in future.

7. In the written statement the management has not disputed the above mentioned facts and that they have also not specifically setup any definite case as to whether any departure had been made by providing employment to the candidates whose names appears later than those of the concerned workman. Thus in nut shell the averments in the written statement are evasive.

8. Any way from the narration of facts it will be evident that Mahesh Chandra Verma and Prakash Chand Gautam have no case whatsoever as according to their own pleading no candidate has been appointed whose name appear in the wait list after these workmen. Thus there has been no breach in giving employment as against these two persons. Hence question of discrimination under Article 14 of Constitution of India also does not arise.

9. The plea that the management had been giving assurance to these workmen to employ them in future will not confer any right upon them to get employment. Accordingly my finding is that Mahesh Chandra Verma and Prakash Chandra Gautam will not be entitled to any relief as the management was not obliged to provide them employment.

10. As regards the claim of Ashok Kumar Sharma and Baboo Lal I think that they have made out a case. As mentioned, earlier the name of Baboo Lal appear at serial no. 53 and that of Ashok Kumar at serial No.55. It has been alleged that Bramhanand at serial no. 59 and P.K. Chaturvedi at serial no. 63 have been given employment by making departure of principle of giving employment to the persons whose name appear earlier than those of these candidates. This fact has not been specifically denied by the management in its written statement. Thus under Order 8 Rule 5 C P C it should be deemed to be admitted. Apart from this there is un rebutted affidavit of these two persons. Hence it is held that the management had committed breach of this wait list by giving employment to candidates appearing at serial no. 59 and 63 after ignoring the claim of Ashok Kumar at serial no. 55 and Baboo Lal at serial no. 53. In this way there has been definite infringement of article 14 of the constitution of India in providing employment. Consequently these two workmen will be entitled for employment.

11. Now the case of Ashok Kumar may be taken up. His case is that he was taken on 26.11-84 as a sub staff and worked upto 28.8.85 for a period of 234 days. Thereafter his services were terminated without complying the provisions of section of 25F I.D. Act.

12. Management in their written statement have alleged that the concerned workman was employed for a fixed period in leave vacancy, hence section 25F is not applicable. I do not agree with this contention. Even if employment is being for fixed period in leave vacancy the concerned workman will still be entitled for compliance of section 25F of I.D. Act if he has completed more than 240 days in a calendar year preceding the date of his retrenchment.

If we add Sunday and other holidays it is obvious that the concerned workman had completed more than 240 days in a year. Hence the concerned workman entitled for notice pay and retrenchment compensation before effecting his retrenchment. The fact that employment was for a fixed period in leave vacancy would be a good ground for effecting retrenchment. But still as said earlier retrenchment compensation and notice pay has to be given.

13. Hence, my conclusion is that his retrenchment is bad in law because of breach of section 25F of I.D. Act.

14. Now the case of two clerks may be taken up. In the claim statement Ashok Kumar Mehrotra has alleged that the concerned workman had worked from 15.6.72 to 8.8.75 in broken period as temporary clerk. He was given assurance that he will be regularised. Instead of regularising him fresh hands were taken in service and he was not given any opportunity. Thus there has been breach of section 25F G & H of Industrial Disputes Act.

15. The case of Rajendra Kumar is that he was given employment from 16.6.72 to 13.8.75 in broken period as temporary clerk by the opposite party. While effecting retrenchment there has been breach of section 25 G & H of I.D. Act.

16. Both the workmen have further pleaded that as they were working as temporary clerks they were entitled for 14 days notice in terms of para 524 of Sastry Award which has not been given.

17. The management in respect of these two clerks have filed separate written statement their defence is common. It is alleged that both of them were appointed for a fixed period in leave vacancies.

18. In the rejoinder the concerned workmen have denied this fact.

19. Ashok Kumar Mehrotra and Rajendra Kumar have given their statement in this Tribunal in which they have stated the facts as given in the claim statement. The management was given opportunity but they have not given evidence in rebuttal. In this way the evidence of both these workmen is un rebutted. I see no reason to disbelieve it. Accordingly their version is believed. I am of the opinion that according to their own pleading they have not completed more than 240 days in a calendar year as such they are not entitled for benefit of section 25F of I.D. Act. Any way in the case of Management of State Bank of Bikaner & Jaipur versus Their Workmen C A No 7029 of 1994 decided on 8.2.96 it has been held by the Hon'ble Supreme Court that provisions of sections 25G and 25H of Industrial Disputes Act, 1947, are independent of section 25F. In other words for attracting the provisions of sections 25G and 25H of Industrial Disputes Act, 1947, it is not necessary that a workman should have completed 240 days in a calendar year. In this case the workmen who had worked as proved by the concerned workman were held to be temporary employees. It was further held that they were entitled for 14 days notice as required by para 524 of Sastry Award and they are further entitled for benefit of section 25G and H of I.D. Act. It is obvious from un rebutted evidence that the concerned two workmen (clerical category) have been able to prove their case because of breach of violation of provision of section 25G and

5H of Industrial Disputes Act, 1947. The concerned two workmen has alleged that during the continuance of employment of the concerned workmen 35 workers were employed the details of which have been given in annexure which fact was not denied by the management. Thus it is also proved that during the temporary employment of the concerned workmen, the opposite party bank had given permanent employment to 35 employees without giving opportunity to the concerned workmen which is certainly an act of Unfair Labour Practice as in normal course the concerned workmen who were working earlier than those persons ought to have been given preference in making such appointment.

20. I do not find any force in the objection of the management that since the appointment of these concerned workmen was in leave vacancy for a fixed period and that they have no right whatsoever. We have gone through these appointment letters which are on record and find that they have been issued in stereo typed manner as in these appointment letters the person in whose absence the concerned workmen were given employment have not been spelled out. It appears to me another act of Unfair Labour Practice which also amounts to exploitation. These are not genuine grounds. Instead they have been manipulated to camouflage the appointment. As such the management should not be allowed to take advantage of such Unfair Labour Practice to check the case of the concerned workmen.

21. In the end because of forgoing discussions, I come to the conclusion that termination of these two concerned workmen is bad in law because of breach of section 25 G & H of I.D. Act and also because of perpetration of Unfair Labour Practice.

22. Finally my award is that concerned workman Ramchandra Chandra Verma is not entitled for any relief for want of prosecution. Mahesh Chandra Verma and Prakash Chandra Gautam will also not be entitled for any relief as their case has not been proved.

23. Similarly Ashok Kumar Sharma and Baboo Lal will be entitled for employment.

24. A.K. Mehrotra and Rajendra Kumar will also be entitled for reinstatement in service with back wages at the rate at which they were drawing at the time their respective retrenchment from the date of reference.

25. I am not oblivious of the fact that in this case there has been gross delay in making reference and claims are old. There are special features of the case which had impelled me to grant reinstatement. In the first place the concerned workmen had been agitating for their rights from the very beginning. Even the Central Government had to write the bank pleading for giving employment to these persons, but it fell into their deaf ears. Further once the Labour Ministry has refused reference. It was in second attempt that these workmen succeeded in getting reference.

B.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 1996

पा. प्र. 3521 : औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधक के संबंधितों और उनके कर्मचारों

के बीच, अनुसूच में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-96 को प्राप्त हुआ था।

[संख्या एल-12012/83/93-आई. प्रार. बी. II]]

सनातन, डेस्क अधिकारी

New Delhi, the 29th November, 1996

S.O. 3521.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on the 28th November, 1996.

[No. L-12012/83/93-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 63 of 1993

In the matter of dispute between :

Roop Chand,

C/o O. P. Mathur,

117/K/36 Sarvodaya Nagar,

Kanpur.

AND

Regional Manager.

Union Bank of India,

Regional Office.

Pandu Nagar, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification number L-12012/83/93/IR BII, dated 26th August, 1993, has referred the following dispute for adjudication to this Tribunal :—

Whether the claim of Sri Roop Chand that he was employed Executive of Union Bank of India for driving Bank's car since 29th May, 1983 and that he was employee of the bank is justified? If so, whether the termination of his services from 27th January, 1992 was justified. What relief if any is Sri Roop Chand entitled to?

2. There is no dispute that the concerned workman Roop Chand had worked as Driver at the vehicle of Regional Manager of opposite party Union Bank of India w.e.f. 29th May, 1983 upto 27th January, 1992. This vehicle admittedly belongs to the bank and has been placed at the services of the Regional Manager for his personal use. Propulsion Charges and its maintenance charges are being borne during this period by the bank. During this period a number of Regional Manager had changed.

3. The case of the concerned workman is that since this vehicle belong to bank and he was required to drive this vehicle, he is originally the workman of the bank. The bank has adopted unfair labour practice in depriving this status by alleging that he was personal servant of regional manager. As he was bank's employee his services have been illegally retrenched because of violation section 25F I.D. Act.

4. The opposite party bank has filed written statement in which it has been alleged that the facility of driving car to the executive of the bank is in accordance with its norms. The concerned workman is personal servant of the executive. In spite of the fact that manager used to be reimbursed for the maintenance of the car and payment of salary of the concerned workman.

5. In the rejoinder the above mentioned facts have been denied.

6. In support of his case the concerned workman has filed Ext. W.1 to W.11. Out of them Ext. W.1 and W.2 relate to his payment of salary through vouchers and all the other documents are in the nature of bills with regard to repair of vehicle No. UGR 3191 which was with the manager. Besides the concerned workman has adduced his evidence. Therein he has stated that he used to work in the office of the opposite party at Pandunagar. He used to drive the vehicle of the bank. He has further stated that petrol and maintenance expenses were borne by the bank. He was appointed by S. P. Roy. When his services were brought to an end he was not given retrenchment compensation and notice pay. In his cross examination he has stated that he was not given any appointment letter. His name was not entered in attendance register. However, his signatures were obtained in salary register. He was not given uniform but once he was paid bonus. On the other hand Rajesh Pandey Deputy Manager M.W. 1 has stated that concerned workman was appointed by the Regional Manager for his personal use. He was not the employee of the bank in any manner.

7. One vital point which needs determination is whether the concerned workman should be deemed directly employed by Union Bank of India. In order to negate the claim of the concerned workman the management bank has placed reliance on the case of The Employers in relation to Punjab National Bank and Chulom Dastagir, FLR 1978 (36) 198 (SC). The facts of this case are on all fours of the facts of the instant case. In this situation the labour tribunal had held a driver to be directly employed by Punjab National Bank. The matter was carried before Hon'ble Supreme Court. Their Lordships did not agree and held that in the facts and circumstances, the driver was not held to be the employee of the bank. It was further pointed out by their Lordships that in case there were other facts and circumstances to show that such driver was doing other duties of the bank the opposition would be different. In the instant case there is no such evidence. In this ruling in para 3 at page 201 their Lordships had further expressed their anguish over such type of employment and had desired that such practice should be discontinued. It is unfortunate that despite this wish of hon'ble Supreme Court the management still continued to adhere to this practice. Any way it was on this basis that hon'ble Supreme Court was desired to award some compensation to the employee. Taking a clue from this I would also like to award some compensation to the concerned workman.

8. In the end my opinion, is that the concerned workman is not the employee of the bank. Still as the bank has continued to adhere with wrong practice despite the desire of Hon'ble Supreme Court I would order that the bank should pay Rs. 15,000 as damages to the concerned workman. I award accordingly.

Dated : 31-10-96.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 1996

का. अ. 3522 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूजियन बैंक ऑफ इंडिया के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-96 को प्राप्त हुआ था।

[संख्या एन—12012/229/99/आई. आर. (बी. II)]

सनातन, डेस्क अधिकारी

New Delhi, the 2nd December, 1996

S.O. 3522 :—In pursuance of Section 11 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on the 28-11-96.

[No. L-12012/229/94-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

Before Shri B. K. Srivastava Presiding Officer
Central Government Industrial Tribunal Cum Labour
Court Deoki Palace Road Pandu Nagar Kanpur.

Industrial Dispute No. 4 of 1995

In the matter of dispute between:

Vice President

Union Bank Employees Association

C/o Union Bank of India

Civil Lines Shakha

Allahabad.

AND

Deputy General Manager

Union Bank of India, Sgharda Tower

Kapurthala Complex

Lucknow.

Ex parte Award

1. Central Government, Ministry of Labour
New Delhi vide its Notification No. 12012/229/94
dated 26-12-94 has referred the following dispute for
adjudication to this Tribunal:

Whether the action of the management of Union
Bank of India, Lucknow in not considering the
application of Shri Lallan Prasad Singh, Cashier/
Clerk for the post of Head Cashier (C) submitted by
him on 29-6-1991 is justified? If not, what relief
is the said workman entitled to?

2. It is unnecessary to give facts of the case in
detail, as after exchange of pleading by the parties,
the concerned workman started absenting himself.
Hence the reference is answered against the concern-
ed workman for want of prosecution.

B.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 1996

क्र. मा. 3523 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेटवा रीवर बोर्ड, के प्रबंधक के नवद नियोजकी और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[सं. एन-12011/39/89, 12011/25/89, 42011/52/89, 42011/58/89, 42011/49/89, 42011/30/89, 42011/51/89, 42011/27/89, 42011/22/89, 42011/38/89, 42011/53/89, 42011/32/89, 42012/124/89, 42011/38/89, 42011/28/89, 42011/36/89, 42012/88/89, 42012/86/89, 42011/48/49, 42012/90/89, 42012/126/89, 12011/23/89, 42011/26/89, 42012/87/89, 42011/33/89, 42011/29/89, 42011/69/89, 42012/125/89, 42012/120/89, 42011/39/89, 42011/31/89, 42012/119/89, 42011/47/89, 42011/59/89, 42011/35/89, 42012/127/89, 42015/89/89, 12011/34/89, 42011/50/89, 42011/32/92, 42011/61/89— यार्ड घाट (डी यू)]

के. वी. वी. उन्नी, ईम्क अधिकारी

New Delhi, the 2nd December, 1996

S.O. 3523:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Betwa River Board and their workman, which was received by the Central Government.

[No. L. -42011/39/89/IRDU
42011/25/89/IRDU
42011/52/89/IRDU
42011/58/89/IRDU
42011/49/89/IRDU
42011/30/89/IRDU
42011/51/89/IRDU
42011/27/89/IRDU
42011/22/89/IRDU
42011/38/89/IRDU
42011/53/89/IRDU
42011/32/89/IRDU
42012/124/89/IRDU
42011/38/89/IRDU
42011/28/89/IRDU
42011/36/89/IRDU
42012/88/89/IRDU
42012/86/89/IRDU
42012/89/89/IRDU
42011/50/89/IRDU
42011/61/89/IRDU
42011/48/89/IRDU
42012/90/89/IRDU
42012/126/89/IRDU
42011/23/89/IRDU
42011/26/89/IRDU
42012/87/89/IRDU
42011/33/89/IRDU
42011/24/89/IRDU
42011/60/89/IRDU
42012/125/89/IRDU
42012/120/89/IRDU
42011/39/89/IRDU
42011/31/89/IRDU]

42012/119/89/IRDU
42011/47/89/IRDU
42011/59/89/IRDU
42011/35/89/IRDU
42012/127/89/IRDU
42011/34/89/IRDU
42011/32/92/IRDU]

K. V. B. UNNY, Desk Officer.

ANNEXURE *

BEFORE SRI B.K SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute nos. 1/90, 39/90, 113/93, 57/90, 7/90, 24/90, 13/90, 48/90, 9/90, 20/90, 3/90, 28/90, 14/90, 6/90, 22/90, 27/90, 25/90, 31/90, 11/90, 26/90, 30/90, 2/90, 38/90, 32/90, 23/90, 18/90, 5/90, 4/90, 56/90, 55/90, 54/90, 46/90, 29/90, 8/90, 19/90, 17/90, 21/90, 15/90, 16/90, 12/90, 10/90.

In the matter of dispute between:

Sachiv

Rajghat Bandh Pariyojna Karamchari Union
Rajghat District Lalitpur U.P.

And

Chief Engineer
Betwa River Board
Rajghat Dam
Nandanpura Jhansi

APPEARANCE : P. N. Verma for the management
B. P. Pandey for the Union.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification nos. (given below) has referred the following dispute in relation to the concerned workmen named below for its adjudication to this Tribunal:—

Whether the demand of the Union to regularise the workmen (named below) of Betwa River Board Rajghat Dam Nandanpura Jhansi against the post on which they are working with retrospective effect from the date of their appointment is justified. If yes, to what relief the concerned workmen are entitled?

1. L-42011/39/89/IRDU dt. 1-1-90 (I.D. No. 3/90)

Name	Desig.	Date of appointment
1. Prabhu Dayal Nayak	Peon	8-3-89
2. Surendra Pd. Srivastava	"	4/89
3. Ram Scwak	"	3/83
4. Chandan Singh	"	10/80
5. Rafikuddin	"	1/87

2. L-42011/25/39/IRDU dt. 1-1-90 (I.D. No. 6/90)

1. Harbhajan	"	5/80
2. Deshraj Singh	"	1978

3. L-42011/52/89/IRDU dt. 1-1-90 (I.D. 27/90)

1. Rajuiddin Ansari	Steno	9/80
2. Km. Omna Tikey	"	2/85
3. Vijay Tiwari	"	7-1-87
4. Madhsudan	"	12-2-82
5. B. R. Pillai	"	1-1-82

4. L-42011/58/89/IRDU dt. 1-1-90 (I.D. No. 25/90)

1. Brijnandan Richariya	Supervisor	12-2-82
2. Bhisim Singh Chauhan	Supervisor	1-8-86

3. Brindaban Yadav	Supervisor	March 85	7. Mangal Singh	Driver	20-01-80
4. Ramesh Kumar Srivastava	Amin	12/81	8. Ghamandi	"	1-08-81
5. Balbir Singh Kushwaha	Amin	10/81	9. Keshav Das Dixit	"	1-08-84
6. Ram Lakhan Gosai	Supervisor	2/87	10. Ramesh Chandra	"	3-09-80
7. Kulbhan Singh	L.D.C.	1-4-82	11. Siya Ram Miranjan	"	1979
8. Babulal	Supervisor	1-1-84	12. Habib Khan	"	1-08-80
9. Anand Kumar Srivastava	Supervisor	82	13. Shyam Lal Kushawaha	"	1-10-81
10. Devendra Kr Sharma	Supervisor	82	14. Jodha Singh	"	1-07-88
11. Ram Kripal	Supervisor	80	15. Bhagwan Singh	"	1-01-82
5. L-42011/49/89/IRDU dt. 1-1-90 (I.D. No. 20/90)			16. Kamal Singh	"	4-03-79
1. Jagpal Singh	Clerk	1-1-1982	17. Tautik Haider	"	11-03-81
2. Om Prakash	"	7-3-86	18. Balchand	"	7-04-84
3. Vinod Kumar Surelo	"	10-10-83	19. Jagdish Raj	"	10-02-84
4. Subodh Kumar Jain	"	1-6-85	20. Kalyan Prasad	"	18-11-81
5. Ramashanker Chaubey	"	7-1-85	9. L-42011/22/89/IRDU dt. 1-1-90 (I. D. No. 14/90)		
6. Prem Lal	"	25-5-87	1. Pritam Singh	Chowkidar	1980
7. Ghanshyam Singh	"	15-1-82	2. Nithhay Singh	"	1983
8. Ashok Kumar Garg	"	1-2-84	3. Ram Dayal	"	1980
6. L-42011/30/89/IRDU dt. 1-1-90 I.D. 29/90			4. Ram Swarup	"	1982
1. Kailash Goswami	Generator Opr.	1-6-85	5. Saagram Singh	"	11-4-83
2. Garibdass	"	1-9-81	6. Aneksingh	"	10-3-79
7. L-42011/51/89/IRDU dt. 1-1-90 I.D. 28/90			7. Mulayam Singh	"	15-4-82
1. Banwari Lal	Time Keeper	11/82	8. Param Singh	"	10-7-81
2. Vishwanath	"	5/80	9. Brindaban	"	2-3-82
3. Omkar Pathak	"	12/80	10. Janki	"	May 80
4. Sasir Mansuri	"	11/81	11. Bhajiya Lal	"	1978
5. Raj Kumar Rai	"	11/81	12. Harbhajan	"	May 80
6. Yatindra Kumar	"	6/82	13. Hari	"	1981
7. Kanchhedi Lal	"	1982	14. Dayaram Prajapati	"	1-4-80
8. Yashwan	"	1982	15. Gameshafik	"	8/87
9. Kailash Niranjana	"	1983	16. Sukhlal	"	1978
10. Har Dayal	"	11/83	17. Hariram	"	1978
11. Manohar Pathak	"	11/81	18. Badam Singh	"	1982
12. Bhagirathi	"	11/83	19. Ram Swarup	"	
13. Jagdish Prasad Khare	"	1985	20. Sallo	"	1-1-82
14. Santosh Upadhyaya	"	1982	21. Gumani Singh	"	1983
15. Ram Prakash	"	1982	22. Pritam Singh	"	
16. Munna Lal	"	1983	23. Jawahar Singh	"	1983
17. Siya Saran Srivastava	"	1982	24. Brindaban	"	1982
18. Ashok Kumar Jain	"	11/81	25. Chhind	"	1984
19. Sri Mangal Singh	"	11/81	26. Ram Lal	"	1-5-82
20. Rakesh Kamboj	"	10/82	27. Bharatlal	"	1-12-84
21. Ram Kishore Tiwari	"	1-7-83	28. Khushi Ram	"	2-8-86
22. Mahendra Singh	"	5/81	29. Harraj	"	1-1-84
23. Jaspal Singh	"	10/83	Ram Dayal	"	1980
24. Bal Kishan	"	4/81	30. Harnam Singh	"	1-6-81
25. Jai Ram	"	1/80	31. Babulal	"	1-3-83
26. Raj Deep Agarwal	"	1/84	32. Kailash Nath Sharma	"	2-10-80
27. Ram Charan	"	2/82	33. Gopal Singh	"	1984
28. Pancham Singh Rawat	"	10/83	34. Halkey	"	1981
29. Mahendra Kumar Khare	"	nil	35. Sheoraj Singh	"	1979
30. Satendra Babu Verma	"	3/81	36. Mithhan Lal	"	1981
31. Chandra Mohan Dubey	"	10/80	37. Ratan Lal	"	25-11-79
32. Jai Narain Khare	"	5/82	38. Sobhagsingh	"	10-79
33. Anand Kumar Srivastava	"	1982	39. Shivratan	"	2/84
34. Ram Kumar Singh	"	1/82	40. Kartar Singh	"	1980
35. Anek Singh	"	11/80	41. Chhotey Lal	"	5-4-83
36. Madan Singh Siasaudiya	"	12/82	42. Prem Lal Kushwaha	"	10-4-85
37. Vinod Kumar Kushwaha	"	1979	43. Parmanand Singh	"	1-3-82
8. L-42011/27/89-I.R.D.U. dated 1-1-90 I.D. 22/90			44. Kathulley	"	27-11-82
1. Sri Krishna Kumar Misra	Driver	22-12-79	45. Naraindas Kushwaha	"	27-11-82
2. Bheem Raj	"	22-02-80	46. Babulal	"	12-12-83
3. Sher Singh	"	10-10-89	47. Santosh Kumar	"	12-7-83
4. Desh Pal Jha	"	1-10-80	48. Ramswarup	"	1-5-81
5. Ram Autar	"	3-10-81	49. Hariram	"	27-8-84
6. Virendra Kumar	"	02-08-82	50. Laxman	"	15-6-86
			51. Mewalal	"	1-4-86
			52. Maheesh sPran	"	1-10-8

53. Ramlakhan	Chowkidar	2-4-83	3. Santosh Kumar	Wireless Op.	1983
54. Mathura Prasad	"	13-9-84	4. Indresh Saxena	"	1984
55. Ram Sahai	"	11/87	5. Vinay Tripathi	"	6-9-82
56. Pransingh	"	8/83	6. Laxmi Narain	"	10-10-80
57. Ram Sahai	"	22-9-80	7. Ram Prakash Tiwari	"	1-4-81
58. Tofan Singh	"	1-8-86	8. Pradip Upadhyaya	"	11-1983
59. Jalimsingh	"	10/83	9. Surendra Mudale	"	9/84
60. Aneksingh Yadav	"	1983	16. L-42011/36/89/IRDU dt. 1-1-90 (ID 12/90)		
61. Kartar Singh	"	1-4-85	1. Marishanker	Carpenter	1980
62. Kalyan Singh	"	1-11-79	2. Ombehari	"	3/83
63. Bhaiyalal	"	1982	17. L-42012/88/89/IRDU dt. 1-1-90 (ID 21/90)		
64. Jagdish	"		1. Arun Mishra	Electric Projector Oper.	5-10-82
65. Ganes	"	1981	18. L-42012/86/89/IRDU dt. 1-1-90 (ID 15/90)		
66. Mathura Pd.	"	1983	1. Feransingh	Plumber	1980
67. Lalshah	"	1978	19. L-42011/48/89/IRDU dt. 1-1-90 (ID 17/90)		
68. Dharmdas	"	1983	1. Ved Prakash Sharma	Electrician	11/81
69. Bachhu Lal	"	1979	2. Shobha Ram Tiwari	"	26-1-86
70. Raghubir Singh	"	1985	3. Shanker Dayal Bajpai	"	
71. Imratsingh	"		4. Satnarain Tiwari	"	1/81
72. Girdah Singh	"		5. Ashok Kumar Srivastava	"	2/85
73. Asharam	"	1-1-82	6. Bhagwan Dass	"	6/82
74. Hazarilal	"	3-82	7. Pradip Saxena	"	8-4-81
10. L-42011/38/89/IRDU dt. 1-1-90 (ID 11/90)			20. L-42012/90/89/IRDU dt. 1-1-90 (ID 19/90)		
1. Bhaiyalal Balmiki	Sweeper	79	1. Dada Rao	Asstt. Mech	20-6-80
2. Paran Lal	"	6-2-82	21. L-42012/126/89/IRDU dt. 15-1-90 (ID 46/90)		
3. Smt. Sukhwati	"	10-7-85	1. Arvind Kumar	Photostat Oper.	25-5-87
4. Ram Bhariosey	"	2-1-81	22. L-42011/23/89/IRDU dt. 1-1-90 (ID 5/90)		
5. Smt. Prem	"	3-4-81	1. Jagdish Pd.	Mali	10/80
6. Rajendra	"	12-2-87	2. Sukhlal	"	11/79
7. Kiwanlal	"	6-9-86	3. Subbe	"	7/81
8. Smt. Kalawati	"	1983	4. Umrao	"	10/79
9. Bhaiyalal	"	11-10-79	5. Govinda	"	1-4-80
10. Hari	"	10-4-81	6. Ayodhya Prasad	"	1-5-86
11. Bholcyram	"	1982	7. Rajendra Prasad	"	12-10-84
12. Santosh	"	1982	23. L-42011/26/89/IRDU dt. 1-1-1990 (ID 18/90)		
11. L-42011/53/89/IRDU dt. 1-1-90 (ID 26/90)			1. Raghubir Singh	Helper	1-8-83
1. Ashok Kumar Jain	Copyist	1-10-81	2. Vijai Kumar	"	18/82
2. Arvind Kumar Khare	"	7/81	3. Hanif Khan	"	1981
3. Balram Dixit	"	1980	4. Munna Lal	"	11/81
4. Santosh Nayak	"	1980	5. Lakhn	"	1985
5. Pramod Kumar Jain	Clerk	1982	6. Rajaram	"	1985
6. Munesh Babu Sharma	"	10-10-83	7. Not visible		
7. P. R. Verma	"	12-10-82	8. Do.		
8. Surajchand	"	1-10-81	9. Do.		
12. L-42011/32/89/IRDU dt. 1-1-90 (ID 1/90)			10. Do.		
1. Narendra Pal	Dresser	10-10-85	11. Do.		
2. Pradip	"	7/67	12. Do.		
3. Sitaram	"	1983	20. Do.		
13. L-42012/124/89/IRDU 23-1-90 (ID 54/90)			21. Do. Mohan	"	1986
1. Ram Babu	Electrician	5-2-80	22. Do Harprasad	"	1979
14. L-42011/38/89/IRDU dt. 1-1-90 (ID 10/90)			23. Do Amola	"	1-7-79
1. Kanhaiya Lal	Pump Operator	11/79	24. Ramesh	"	
2. Babulal	Fitter	4/81	25. Prabhan Singh	"	1-1-86
3. Omkar	"	1/79	26. Daya Ram	"	1980
4. Sujan Singh	"	9/79	27. Total Ram	"	1983
5. Sheoshanker Tripathi	"	11/83	28. Ram Swarup	"	1986
6. Amritlal	"	10/80	29. Girdatta	"	1979
7. Suresh Kumar	"	3/83	30. Shyam Lal	"	1979
8. Thakur Dass	"	1/80	31. Harbaran	"	1979
9. Birsingh	Driver	4/81	32. Kamta Prasad	"	1979
10. Ashok Dixit	Fitter	1/80	33. Ram Dass	"	1979
11. Sheodeyal	"	10/82	34. Lal Singh	"	1981
15. L-42011/28/89/IRDU dt. 1-1-90 (ID 16/90)			35. Janki	"	
1. Santosh Kumar	Wireless Op.	1-7-83	36. Ram Baran	"	28-2-79
2. Suresh Misra	"	1981			

24. L-42012/87/89/IRDU dt. 1-1-90 (ID 2/90)			2. Kailash Chandra Waterman 1-5-86
1. Babulal Pal Auto Elect. 11-2-80			3. Santosh Kumar 13-5-85
25. L-42011/33/89/IRDU dt. 1-1-90 (ID 4/90)			4. Bachho Lal 10-1-87
1. Mukud Prasad Maison 1980			5. Munna Singh 1983
2. Kadorelal 1985			7. Kripa Ram Tiwari 1982
26. L-42011/24/89-IRDU dt. 5-1-90 (ID 38/90)			35. L-42012/127/89/IRDU dt. 15-1-90 (ID 48/90)
1. Raghuraj Singh Khalasi 1985			1. Smt. Bimla Srivastava Aaya 11/83
2. Malkhan Singh 1-9-83			35. L-42012/89/89/IRDU dt. 1-1-90 (ID 20/90)
3. Inhrabahadur 2-2-85			1. Ranjit Singh Pal Workagent 8/81
4. Jagdish Yadav 1989			36. L-42011/34/89/IRDU dt. 5-1-90 (ID 39/90)
5. Ashok Kumar 20-7-87			1. Bharat Bhushan Badholiya Tele. Oper. 26-4-82
6. Ashok Kumar 1983			2. Rajendra Purohit 15-4-83
7. Amrit 1983			3. Balkrishna Raikwar 1-3-81
8. Lallu Vishwakarma 1983			4. Suresh Babu Bajpai 5/81
27. L-12011/60/89/IRDU dt. 1-1-90 (ID No. 23/90)			37. L-42011/50/89/IRDU dt. 1-1-90 (ID No 31/90)
1. Ramesh Prasad Gateman 1/81			1. Brijnohan Sangya Typist 3-83
2. Lakhan Singh 3/82			2. Abdul Hasan 15-3-82
3. Khushi Ram 6/82			3. Santosh Kumar Sharma 1-6-86
4. Prakash Chand 4/83			4. Ajai Kumar Sharma L.D.C. 1-1-84
5. Jan Singh 3/82			5. Pravin Kumar Khare Steno 16-3-82
6. Kripashanker Pandey 4/85			6. M.K. Srivastava Typist 2-3-82
7. Khubchand 4/81			7. Km. Kamlesh Sharma 1-10-83
8. Jagdish Narain 5/83			8. Km. Sudha Sharma 21-10-87
9. Asha Ram 1/82			9. Smt. Vijayachandra 27-6-85
10. Kaptan Singh 6/82			10. Km. Neeru Pathak 24-12-86
11. Prem Narain 15-7-83			11. Smt. Hardip Saxena 10-5-87
12. Madhur Kumar Richhariya 1-5-85			12. Kripa Shanker Dwevidi 1-2-86
28. L-42012/125/89/IRDU dt. 22-1-90 (ID 56/90)			13. H.S. Arora 1984
1. Ram Pal Singh Machenic			14. Shakeel Ahmad 3/84
29. L-42012/120/89/IRDU dt. 22-1-90 (ID 55/90)			15. Km. Vijya 4/86
1. Sukha Singh Cleaner 1981			16. Satish Kumar Singh 10-2-82
30. L-42011/39/89/IRDU dt. 1-1-90 (ID 8/90)			17. Radha Krishnan 9-5-85
1. Jang Bahadur Singh 2/80			18. Raj Kishore 17-2-84
2. Shamim Khan 7/80			19. C.B.C. Indokulla 3/87
3. Nepal Singh 7/82			20. Ghanshyam Dass 28-3-84
4. Anil Kumar Dubey 1-2-83			21. Rajesh Nigam 10-11-86
5. Gajendra Singh 2/87			22. Brijesh Kumar 4-11-86
6. Gajendra Singh Chauhan 2/87			23. Smt. Sunita Chaturvedi 16-3-82
30. L-42011/31/89/IRDU dt. 1-1-90 (ID 7/90)			24. Ayodhya Prasad 1-7-83
1. Sunder Pal Gunman			25. Roup Kunnar Agnihotri 19-7-83
2. Ratan Singh			
31. L-42012/119/89/IRDU dt. 24-1-90 (ID 57/90)			38-40. L-42011/32/92/IRDU dt. 15-12-93 (ID 113/93)
1. B.N. Sharma Scientific Asstt. 16-6-85			1. Arvind Kumar Research Asstt. 2. Sanjai Saxena. Steno. 3. Sanjai Typist. 4. Premsingh Kushwaha. Typist. 5. Km. Basrah TK, Typist. 6. J.P. Khare, Operator. 7. Rafik Khan, Machinist. 8. Bhaiyalal Vishkarma, Carpenter. 9. Prabhunath Singh. 10. Ayodhya Pd. 11. Subhash Chandra Srivastava. 12. Pratap Singh Chauhan. 13. Manikant Jha. 14. Prem Narain, Time Keeper. 15. Anup Singh, Time Keeper. 16. Keshav Chaudhary, Time Keeper. 17. Siyaram Nitnajan, Driver. 18. Shyamlal, Driver. 19. Jodha Singh, Driver. 20. Bhagwan Singh, Driver. 21. Tausif Haider Driver. 22. JP Rai Driver. 23. Kalyan Prasad driver. 24. Abdul Rashid Driver. 25. Kamal Singh, Driver. 26. Habibkhan, Driver. 27. Balchand driver. 28. Gajraj Singh, Store Attendant. 29. Kamlesh Messenger. 30. Rajan Messenger. 31. Parman Lal, Messenger. 32. Ram Kishore, Helper. 33. Brijesh, Helper. 34. Munna, Helper. 35. Komal Chand Kushwaha, Helper. 36. Raghubir, Helper. 37. Kailash Narain Sen, Helper. 38. Arjun, Helper. 39. Dayaram, Helper. 40. Ashok
32. L-42011/47/89/IRDU dt. 1-1-90 (ID 9/90)			
1. Phoolchand Rajput Amin 17-2-85			
2. Devendra Kumar Bhatnagar 17-2-85			
3. Gulab Singh 15-12-80			
4. Ved Prakash Srivastava Supervisor 5/89			
33. L-42011/59/89/IRDU dt. 1-1-90 (ID 24/90)			
1. Bramha Prakash Ojha Messenger 4/81			
2. R.K. Sharma 8/81			
3. Purshottam Dass 13-4-84			
4. Bhagwan Dass 1-12-84			
5. Kishore Lal 25-10-86			
6. Madan Lal 1989			
7. Amol Singh 1984			
8. Mahendra Singh Yadav 4/81			
9. Govind 1/81			
34. L-42011/35/89/IRDU dt. 1-1-90 (ID 13/90)			
1. Smt. Parwati Waterman 2/83			
2. Sri Komal			

helper, 41. Pran Singh, helper, 42. Raju, helper, 43. Sri Ram helper, 44. Hazratsingh, helper, 45. Laxaman Singh, helper, 46. Wahid Khan, helper, 47. Lazam Singh, Mali, 48. Sobat Waterman, 49. Jagdish Duneey waterman, 50. Debi Singh, Waterman, 51. Bir Singh waterman, 52. Smt. Sushila Bai, waterman, 53. Smt. Yashoda Bai, Waterman, 54. Om Prakash Bajpai, 55. Smt. Rana Devi, peon, 56. Ashok Kumar, Sweeper, 57. Mushtaq Khan, Gateman, 58. Birsingh, Gateman, 59. Ram Swarup, Chainman, 60. Samrath Singh, chain man 61. Smt. Kusumlata Thakur, Ward Aaya, 62. Smt. Pushpa Nai Wardaya, 63. Hasanyar Khan, chowkidar 64. Kaptan Singh, chowkidar, 65. Bhoopsingh, chowkidar, 66. Ram Kishan Chowkidar, 67. Ramesh Chand Chowkidar, 68. Raghuraj, chowkidar, 69. Babulal chowkidar, 70. Malkhan, chowkidar, 71. Birbhan Singh, chowkidar, 72. Mulayam Singh, chowkidar 73. Kaluram chowkidar, 74. Babulal, chowkidar, 75. Ayodhya Prasad, chowkidar, 76. Hanu chowkidar, 77. Halkuram, chowkidar, 78. Dhaniram chowkidar, 79. Kamlesh Singh, chowkidar 80. Raghunath, chowkidar, 81. Kalu chowkidar, 82. Ayodhya, chowkidar 83. Amrit Singh, chowkidar, 84. Raghubir, chowkidar, 85. Roopsingh chowkidar, 86. Martin Beg, chowkidar 87. Hairam Kushwaha, chowkidar, 88. Anek Singh, chowkidar, 89. Hukum Singh, chowkidar 90. Mewalal, chowkidar, 91. Sarnamsingh, chowkidar 92. Glivar-Singh chowkidar, 93. Lalsahib chowkidar, 94. Jami Ahmad, chowkidar, 95. Bahadur Singh, chowkidar, 96. Ramdass, chowkidar, 97. Hiralal, chowkidar, 98. Ayodhya Prasad, chowkidar, 99. Rajender, Chowkidar, 100. Asharam, chowkidar, 101. Janak, Beldar, 102. Sarman, Beldar, 103. Ramcharan, beldar 104. Santosh, beldar, 105. Mansingh, Beldar, 106. Rooplal, beldar, 107. Nathu Ram Beldar, 108. Sripat, Beldar, 109. Saroj Prasad, beldar, 110. Bramhanand, beldar, 111. Lampu beldar, 112. Sumir, beldar, 113. Saroj, beldar, 114. Manik, beldar, 115. Phoolsingh, Beldar, 116. Bhawani Singh Beldar, 117. Pritam beldar, 118. Ram Dass, Beldar, 119. Dilip Singh, beldar, 120. Hazarat, beldar, 121. Chandra Bhan, beldar, 122. Kailash, beldar, 123. Jahinder Singh beldar, 124. Azizkhan, beldar, 125. Kamta, beldar, 126. Harnam, beldar, 127. Nandkishore, beldar, 128. Raja Bhaiya, Beldar 129. Mahesh Prasad Tiwari, beldar, 130. Dayaram, beldar, 131. Trilok Singh, beldar, 132. Dashrath, beldar, 133. Umrao, beldar 134. Munna Lal beldar, 135. Budhu lal, beldar, 136. Komal Singh, beldar, 137. Munna, beldar, 138. Ashok beldar, 139. Kaluram beldar, 140. Bhajan Lal, beldar, 141. Phoolsingh, beldar, 142. Govind Dass, beldar, 143. Ramlal beldar, 144. Phoolsingh, beldar, 146. Dhannu Lal, beldar, 147. Uttam Dass.

[41. L-42011/61/89/IRDU dt. 1-1-90 (ID 32/90)]

1. Parma Raikawar Beldar 1980

3092 GI/96—5

2. Bhikam Singh Beldar 1983, 3. Harjoo, Beldar, 1981, 4. Harsingh, Beldar, 10/80, 5. Harram Singh, Beldar, 1/84, 6. Bhagwandass, Beldar, 11/81, 7. Nirpat Rajput, Beldar, 1980, 8. Babulal, Beldar, 1982, 9. Ganpat, Beldar, 1985 10. Aramsingh, Beldar, 1/87, 11. Kishori Lal, Beldar, 1981, 12. Ram Swarup, Beldar, 1983, 13. Jagbhan Singh, Beldar, 1979, 14. Jhujhlal, Beldar, 1981, 15. Ramesh Chandra, Beldar, 1984, 16. Mannu, Beldar, 1984, 17. Ram Dayal, Beldar, 8/79, 18. Diwan Singh, Beldar, 20-4-70, 19. Chandan Singh, Beldar, 1982, 20. Dalpat, beldar, 1987, 21. Dashrath Sahu, Beldar, 2/80, 22. Kriparam, Beldar, 5/83, 23. Ballu Beldar, 5/83, 24. Ramesh 7/87, 25. Thakur Dass, Beldar, 4/80 26. Gullu, Beldar, 3/83, 27. Gulab, Beldar, 6/82, 28. Suresh Rai, Beldar, 7/86, 29. Bhagwan Singh, labour, 9/83, 30. Jagdish, labour 10/82, 31. Subhash, labour, 3/88, 32. Ravishankar, labour, 3/88, 33. Hariram Jha, labour, 12/86, 34. Kupal, labour, 1981, 35. Ghan shyam, labour, 9/78, 36. Dayaram, mali 6/82, 37. Babulal, labour 10/82, 38. Malkhan Singh Labour 1982, 39. Ashok Rai, labour 2/83, 40. Ramdass beldar, 1/81, 41. Hazari, beldar, 2/84, 42. Dharmu, beldar, 3/82, 43. Sheocharan, beldar, 3/83, 44. Kashiram, beldar, 5/84, 45. Lakhan, beldar, 3/85, 46. Munna, beldar, 4/78, 47. Puranchand, beldar, 11/82, 48. Brijlal, beldar, 1985, 49. Prakash Vishwakarma, beldar, 12/81, 50. Hariya, beldar, 1980, 51. Kashiram beldar, 4/81, 52. Mahendra Singh, beldar, 9/86, 53. Ratanlal beldar, 11/83, 54. Ghanshyam Ram Nath, beldar, 10/82, 55. Ramdayal, Beldar, 681, 56. Dinesh, beldar, 8/87, 57. Parmanand, beldar, 8/84, 58. Chhotu, beldar, 7/85, 59. Jairam, beldar, 7/84, 60. Ramesh beldar, 12/85, 61. Ja'ram Singh, Beldar, 9/82, 62. Indra pal, Singh beldar 8/82, 63. Rajkumar Yogi, beldar, 5/81, 64. Mahirban Singh bel jar, 6/79, 65. Juharu, beldar, 61/80, 66. Sitaram Sharma, beldar, 1983, 67. Ramkishan, beldar, 1/81 68. Sangramsingh, beldar, 1982, 69. Ramsaran, beldar, 9/83, 70. Daulat, beldar, 10/84, 71. Hukum Singh, beldar, 10/79, 72. Kishanlal, beldar, 6/79, 73. Datarsingh, beldar, 3/82, 74. Tiju beldar, 10/82, 75. Ghanshyam, beldar, 1/86, 76. Mohan, beldar, 10/82, 77. Munna, beldar, 10/82, 78. Nandu, beldar, 1/82, 79. Santu, beldar, 9/79, 80. Mohan, beldar, 10/81, 81. Kalyan, beldar, 10/82, 82. Kashiram beldar, 1982, 83. Bhupatsingh, beldar, 4/83, 84. Bhagwansingh, beldar 4/83, 85. Mahtab, beldar, 12/82, 86. Jagbhan, beldar, 1-1-82, 87. Parsuram, 11/86, 88. Mangal, beldar, 1-1-84, 89. Asharam, beldar, 10/85, 90. Mahendra beldar, 9/84, 91. Imrat, beldar, 10/81, 92. Kanhaiya, 19/83, 93. Sriram, beldar, 1984, 94. Ganesh, beldar, 1981, 95. Bhagunath beldar, 5-3-83 96. Kashiram, beldar, 1982, 97. Prabhu dayal, 3/81, 98. Shbharam, beldar, 19-10-87, 99. Kamalsingh, beldar, 25-11-84, 100. Malkhan Singh, beldar, 5-11-85, 101. Sabransingh 1982, 102. Jagannath Sahu, beldar, 1982, 103. Manka, beldar, 9/82, 104. Bachho, beldar,

105. Jairam, beldar, 1983, 106. Bharatlal, beldar, 1984, 107. Rampa, beldar, 1-7-89, 108. Lampu, beldar, 4-3-81, 109. Harinam, beldar, 1-3-80, 110. Jagbhansingh, beldar, 1-6-87, 111. Shebharam, beldar, 1-6-87.

2. As in all the above mentioned reference common question of law and fact are involved the same are being answered by a common award which is to be found in the leading reference no. 1 of 1993, in which oral and documentary evidence has been adduced by both the parties.

3. All the concerned workmen of all the reference are admittedly daily rated workers, their name, designation and date/year of appointment have been given in the details of the reference as mentioned above. Although in the all reference separate claim statements have been filed but the averment is common. It is alleged that they are working from the date of their respective appointments continuously and are doing work of permanent nature. As they are doing this work continuously for long time, they are entitled for regularisation from the date of employment. They are also entitled for parity in wages and other benefits which are being extended to regular employees.

4. The Betwa River Board opposite party have filed a reply which is common in all the references. In the first place it is alleged that these disputes have not been properly espoused by the Union as it is not a registered one and the concerned workman are not its member. It was also alleged that the Central Government has enacted the Betwa River Board Act, 1976, for construction of Dam over Betwa River. The concerned workman have been given project employment at Rajghat Dam which is likely to be completed 1992. A project employee has no right to seek regularisation. It was also alleged that the opposite party is not an industry. Further it was alleged that regularisation can be claimed against a post. There is no such post in the project, hence relief for regularisation cannot be granted. In any case regularisation cannot be granted from the date of appointment. It was also alleged that in construction Dam Central Govt. is performing sovereign function, hence no reference can be made of such dispute. Claim is also alleged to be stale. Lastly it was alleged that there was an agreement between the parties dt. 14-11-1992 by which the concerned workman had agreed not to seek regularisation, hence now they are estopped from seeking relief of regularisation.

5. In each of case the concerned workman has filed rejoinder in which they have denied the new factual allegations made in the written statement and have reiterated the facts as given in claim statement.

6. In support of their case the concerned workman have adduced the evidence of Kailash Narain W.W.1 and Riyajuddin Ansari, W.W.2 beside Ext. W.1 to Ext. W 5 have been filed. In rebuttal there is evidence of S.K. Nigam M.W.1.

7. The first point which calls for consideration is as to whether the case of the concerned workmen has not been properly espoused. It may be mentioned that in the written statement the management had required the union to file registration certificate and other allied papers. The union has filed those papers, The union has also filed certificate and of the year 1982 and 83 which shows that the Union which has espoused the cause of the concerned workmen is registered one. Hence, this plea of the management goes out. Ruling of M/s P G Verginear and Company versus S. V. Nevagi 1995 Lab IC 1075 will have no application.

8. Next it will be seen if the opposite party is not an industry. In support of this contention, the opposite party has referred to the case of Sirajuddin versus State of U.P. 1994 Lab IC 191 in which it was held that Rural Engineering Services of PWD is not an industry. I am afraid that this ruling will have no application to the facts of the case specially when Central Government, Ministry of Water Resources by letter dt. 23-5-91 had conceded that Betwa River Board was an industry. The copy of this letter is on record. In view of this concession, having been made by Central Government, it no longer lies in the mouth of opposite party to deny this status. Hence, this point is also decided against the opp. party.

9. Next it was contended that opposite party while constructing Dam is performing Sovereign functions. In support of this plea reliance has been placed upon the case of Vinod Rai Ratnotas versus State of Gujrat 1994 Lab IC 821. In this case it was held that running of Department of Industries was a sovereign function. It was the case of appointment of an employee by the Dy. Secretary of this department which was challenged before industrial Court. In that context it was held that functioning of this department by way of sovereign act, hence it was beyond the purview of industrial law. Once again I am of the opinion that this principle will not apply to the facts of the present case as in a number of cases projects have been held to be covered by the provisions of industrial Disputes Act. In other words execution of work in a project could tantamount to sovereign function, hence this plea is also overruled.

10. I also do not find any substance in the contention that this claim is stale as in the instant case the cause of action is continuing one.

11. Next objection regarding settlement dt. 14-11-92, may be taken up. Its copy is ext. W-3 on record. It appears that daily rated employees of the Dam had served a notice of strike. Thereafter negotiations took place and this settlement was arrived at. It only says that for the time being regularisation is not feasible. At no point of time right to claim regularisation was given up. Hence, in my opinion, this agreement will not stand in the way of the concerned workman in seeking regularisation. In other words it will not operate as Estoppel. Accordingly this point is overruled.

12. Reference was made to the case of Chandra Prakash Trivedi versus state of U.P. 1995 (SuPCBEC) 1896. In this case workers were class IV employees of Labour Deptt. & were working for more than 8 years. They were qualified in all respect hence High Court directed for their regularisation.

13. Now it may be considered as to whether the concerned workmen are employees of Betwa River Board or are the employees of Project. It has been submitted on behalf of workers that actually the concerned workmen were recruited by Betwa River Board and later on they were deputed to look after the work of dam which was being got constructed through various agencies/contractors. Both Kailash Niranjan and Riazuddin has tried to prove this fact. However I am not inclined to accept their statement. The concerned workmen have filed Ext. W-1 and W-2 which go to show that on 23-3-78 a meeting of executive committee of Betwa River Board was convened in which it was resolved to recruit from outside if class III and IV employees of M.P. and U.P. Govt. are not forthcoming. There is no relevant papers on this record. Besides the authorised representative of the concerned workmen has referred to me the various papers like dt. 12-8-88, 28-9-88 which go to show that certain text were held in which these daily rated workers were found successful. I have gone through these papers. Actually these tests were held under AEGIS of Rajghat Bandh Nirman and not by Betwa River Board itself. Thus these daily rated workers were engaged for construction of dam purpose only and not by Betwa River Board. In view of this I do not accept the evidence of Kailash Niranjan and Riazuddin on this point. It is held that these workers were employed for the purposes of construction of Dam.

Now the last question regarding claim of regularisation may be considered. Before doing this it will be relevant to refer to salient features of Betwa River Board Act, 1976. A preamble of the Act indicates that the purpose of the act was to create reservoir at Rajghat by constructing of a Dam and to regulate to such a reservoir. Sec. (2) of the Act says that it will be under the control of Central Govt. The Betwa River Board shall be the corporate body.

Sec. 8 lays down that as far as possible the services of employees of Govt. of U.P. and M.P. should be utilised. The board has been further empowered to appoint employees as it may deem necessary for efficient discharge of function. This act is silent about the mode of regularisation. The regulation which was framed subsequently also do not lay down any provision for the manner of regularisation of the employees who were taken from outside.

14. Now notice may be taken to the various authorities cited on behalf of the management. In the first place reference has been made to the case of Sudhir Chand Tiwari vs. UPSEB 1995 Lab NOC 250. Alld. Details of this case are not known. It simply says that ad-hoc employees are not entitled for regularisation.

15. Next reference was made to Delhi Development Horticulture Employees Union versus Delhi Admn. In this case it was held that persons employed in Jawahar Lal Nehru Rojgar Yojna cannot claim regularisation merely on the ground that they had completed 240 days. This point is also not involved in the instant case as the concerned workmen of the instant case are seeking regularisation because of working for more than 10 years continuously.

16. Next reference was made to the case State of Haryana versus Pyara Singh AIR 1992 (SC) 2130. In this case the guide lines for regularisation were laid down. Its reference will be made subsequently when question of regularisation is considered.

17. In the case of Dr. Sheela Rai versus Union of India. It has been held that Research Scientist who were appointed on ad-hoc basis till the project last no right to claim regularisation.

18. Reference was also made to the case of Suresh Chandra versus State of M.P. 1993 Lab IC 823. In this case right of State Government to make regularisation by executive orders was not upheld. It was further laid down that where there are no vacancy there could be no regularisation.

19. In the case of Zakir Hussain versus Engineer in Chief Irrigation department 1993 Lab I C 836. It was held that appointees on daily wages and ad-hoc basis have no right to claim regularisation.

20. Next reference was made to the case of Satya Narain Verma versus MMDC Limited (1990) 4 SCC 163. In this case daily rated workers were continued on humanitarian ground inspite of the fact that there was no work and no vacancy they have claimed regularisation and that was denied.

21. On the other hand the concerned workman have filed extract of industrial disputes Act regarding the definition of industry. Its details need not given as this matter has already been answered in favour of the concerned workman.

22. Reference was also made to the case of Umesh Chandra Pande versus State of U.P. 1991 Lab IC 1449, in which it was held that employees worked regularly for more than 240 days for several years were entitled for regularisation.

23. Next reference was made to the case of Manik Chandra Sarkar versus State of West Bengal 1990 Lab I.C. 598. In this case the concerned workman continued for more than 3 years and they have claimed permanent status in service whereas the management had set up the plea that the scheme was being wound up. This plea of the management was also not upheld. This ruling will have relevancy in the instant case as here the concerned workman has not asked for permanency.

29. Now we may consider the case of Pyara Singh Supra. It was a case of class III and IV employees of Haryana State who were given ad-hoc appointments and after having worked for some times they had claimed regularisation. It was highlighted that regularisation there must be a post. It was further where the temporary or ad-hoc appointment is continued for long the court will presume that there is need and warrant for a regular post and accordingly regularisation should be ordered. While the court/Tribunal who deals with such matters had advised to act with due and caution. Further while making regularisation following observation was made :—

There can be no rule of thumb in such matters condition and circumstances of one unit may not be the same as of the other. Just because in one case a direction was to regularise employees who have put in one year's service as far as possible and subject to fulfilling the qualification. It cannot be held that in each and every direction must follow irrespective of and without taking into account the other relevant circumstances and considerations. The relief must be moulded in each case having regard to all the relevant facts and circumstances of the case. It cannot be mechanical act but a judicious act.

Here reference may also be made to the case of PWD Labourers Daily Wages Employees Association Versus State of Karnataka 1990 (2) SCC 296 of which following observation would be material for us :—

We are alive to the position that the scheme which we had finalised is not the ideal one but

as we have already stated it is the obligation of the court to individualise justice to suit a given situation in a set of facts that are placed before it.

Keeping in mind the above principles now we proceed to examine if the concerned workmen are entitled for regularisation. The objection of the management is that there is no vacancy as the employment of the concerned workmen is under project which may come to an end. By completion of project, these concerned workmen are not entitled for regularisation.

31. On behalf of the concerned workmen it has been submitted that their appointment has been made under Betwa River Board to supervise the workman of the contractor. In other words they themselves are not project employees. It is further that according to the preamble of Betwa River Board Reservoir is required to be maintained which is of permanent feature. Hence their employment cannot be termed as project employment. The management has not filed the copies of appointment letter of the concerned workman to show that if their appointment was for project or not. The authorised representative for the management has drawn my attention to the statement of Kailash Niranjana W.W. 1. In his cross examination he has admitted that the employment of the concerned workmen was under project. In view of this statement I do not accept this contention of the authorised representative of the workmen and it is held that the employment was under project. But it is not enough. There is no dispute that at present these concerned workmen have continuously worked for 15 to 16 years. I was also informed by the management that it would take five or more years for completion of project. It was also conceded that after that power station will also be constructed at this place. There is also copy of project of the opposite party which shows that this management has to undertake other projects as well after completion of the instant project. In this way there are unusual features in the present case. The activities of the opposite parties are likely to be completed for a number of years in future and that period would be enough to cover the retirement age of these concerned workmen. In my opinion, in view of these unusual features of the instant case cannot be said to be an ordinary case of project employees, the tenure of which usually lasts for four or five years and within that time project is completed. Certainly in that case there will be no question for regularisation. However where the time is going to be very long so as to endure till superannuation. The hurdle of employees being under project should not come in the way of their regularisation. As regards objection of existing vacancy it was conceded that the project of Betwa River Board is to regulate Reservoir as

well which would be completed in future. For that there would be need for personnel to maintain it. It was conceded on behalf of the management that there would be need for personnel for maintenance of reservoir. I have inquired from the opposite party about the number of persons which will be required. Answer was not forthcoming. Instead it was vaguely pointed out that Central Government has been approached for sanction of staff for maintenance of Reservoirs and its strength would be round about 400. Such incident of maintenance ordinary does not happen in project which were completed in usual course. This unusual features of the instant case and in this situation it would be inferred that there is vacancies as has been held by Supreme Court in the leading case of Pyara Singh (Supra) that because of long continued of service there will be presumption of post of and in this case surely the post will be available. It may also be pointed out that Hon'ble Minister for Human Resources Sri Vidya Charan Shukla had also issued a letter of assurance to the concerned workers that their services will not be put to an end and they will be absorbed elsewhere. There are other compassionate grounds in favour of the concerned workmen. If the concerned workmen are not regularised and thrown out of service at present they would become overage and their families would be uprooted.

33. In my opinion from the above analysis of facts it becomes clear that after meeting out objections of the opposite party management. The concerned workman have made out a case for regularisation. This regularisation will serve them as an umbrella to protect them from the policy of hire and fire and of course they will be entitled for wages and other facilities at par to those of other central Government servants similarly placed.

34. Any how I am of the view that the concerned workmen are not entitled for regularisation from the date of their respective appointments. In view of above my award is the opposite party management shall prepare a list of seniority of the concerned workmen and shall take steps for their regularisation within one year from the date of publication of this award for otherwise these concerned workmen will be deemed to be regularised after one year from the date of publication of award. By regularisation they shall not be deemed to be permanent. Further these concerned workmen will be entitled to equal wages and other facilities at par to those of other Central Govt. employees placed in similar circumstances. All the references are answered accordingly.

Dt. 15-7-76

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 1996

का. घा. 4990. —केंद्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि सीमेंट उद्योग में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 3 के अन्तर्गत विनिर्दिष्ट किया गया है उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाओं घोषित किया जाता चाहिए।

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ब) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छ. मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस. —11017/13/85-डी-1 (ए)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 4th December, 1996

S.O.4990.—Whereas the Central Govt. is satisfied that the public interest requires that the services in the Cement Industry which are covered by entry 3 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purpose of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/13/85-D. I(A)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 9 दिसम्बर, 1996

का. घा. 4991. —कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा 16-12-1996 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय—4 (धारा—44 और 45 के विषय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय—5 और 6 (धारा—76 की उपधारा (1) और धारा—77, 78, 79 और 81 के विषय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“जिला कोटा की तहसील लाडपुरा के राजस्व ग्राम तथा मोहरा के अन्तर्गत घाने घाने क्षेत्र।”

[संख्या एस.—38013/22/96-एस. एस.-1]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 9th December, 1996

S.O.4991.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees'

State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th December, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan namely :—

“The areas comprising the revenue village, Naya Nohia, of Tehsil Ladpura in District Kota”.

[No. S-38013/22/96-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 9 दिसम्बर, 1996

का. भा. 4992 —कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-12-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् —

“अजमेर जिले की तहसील किशनगढ़ के राजस्व ग्राम सांवतसर की सीमाओं के अन्तर्गत आने वाले क्षेत्र”।

[संख्या एस-38013/21/96-(एस एस.-1)]

जे. पी. शुक्ला, अधर सचिव

New Delhi, the 9th December, 1996

S.O. 4992.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th December, 96 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan namely :—

“Areas comprising revenue village Sanwatsar in Tehsil Kishangarh of District Ajmer.”

[No. S-38013/21/96-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 11 दिसम्बर, 1996

का. भा. 4993 —राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) (नियम, 1976 के नियम-10 के उप नियम (4) के अनुसरण में केन्द्रीय सरकार, अम संसालय, नई दिल्ली के सम्बद्ध कार्यालय, कारखाना, सलाह सेवा और अम संस्थान महानिदेशालय, मुंबई, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने

हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[संख्या ई-11011/1/93-रा. भा. नी.]

पी. एम. सिराजुद्दीन,

New Delhi, the 11th December, 1996

S.O. 4993.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Directorate General of Factory advice and Labour Institute, Bombay an attached office of Ministry of Labour, New Delhi, whereof more than 80% of staff have acquired working knowledge of Hindi.

[No. E-11011/1/93-OLP]

P.M. SIRAJUDDIN, Director

नई दिल्ली, 8 दिसम्बर, 1996

का.भा. 4994 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिविजनल रेलवे मैनेजर झांसी के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-96 को प्राप्त हुआ था।

[संख्या एल-12012/9/91-आई.आर. (डो.यू.)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 18th December, 1996

S.O. 4994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Rly Manager Jhansi and their workman, which was received by the Central Government on 2-12-96.

[No. L-12012/9/91-IR(DU)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 167 of 1991

In the matter of dispute between:

President, Rashtriya Chaturth Rail Mazdoor Congress INTUC 2/236 Namneir Agra.

AND

Divisional Railway Jhansi.

AWARD

1. Central Government, Ministry of Labour, vide its notification number L-41012/91-I.R. (DU) dated 25-9-91 has referred the following dispute for adjudication to this Tribunal—

Whether the Divisional Railway Manager, Central Railway Jhansi was justified in terminating the services of Sri Mahendra Singh s/o Sri Heera Singh w.e.f. 21-12-85? If not, what relief the workman is entitled to?

2. The concerned workman Mahendra Singh in his claim statement has alleged that he was engaged as M.R.C.L. by the opposite party Divisional Railway Manager Jhansi of Central Railway on 16-11-83 and was working under Chief Yard Master Central Railway Agra Cantt. He continuously worked upto 21st December, 1985, when his services were brought to an end. By that time juniors to him were working. At the time of retrenchment he was not given notice pay and retrenchment compensation. Hence his retrenchment is bad.

3. The opposite party has filed cyclostyle reply in which it is alleged that Railway is not an Industry and that this Tribunal has no jurisdiction. On merits it was admitted that the concerned workman was employed temporarily as alleged by him.

4. In the rejoinder nothing new has been said.

5. There is no force in the plea that Railway is not an Industry and that Tribunal has no jurisdiction to determine the right of the concerned workman as this point has been repeatedly decided against the Railway in a number of authorities.

6. On merits the management has not disputed that the concerned workman has continuously worked upto 21-12-85. There is also un rebutted evidence of the concerned workman. The management has not adduced any evidence to prove contrary. Hence it is held that the concerned workman has completed more than 240 days in a year when his services were brought to an end. As such his retrenchment is bad in law for want of payment of retrenchment compensation and notice pay.

7. There is no reliable evidence that there has been breach of section 25G of I.D. Act.

8. In the end my award is that termination dt. 21-12-85 of the concerned workman is bad in law and he will be entitled for reinstatement with back wages from the date of reference at the rate at which he was drawing his pay at the time of his termination/retrenchment.
15-11-90.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1996

का.प्र. 4995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप मुख्य अतिथि (नि.) कोषी के

प्रवर्धन के संबंध में निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/41/88-डी-2(बी)]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 18th December, 1996

S.O. 4995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dy. Chief Engineer (C) Jhansi, and their workman, which was received by the Central Government on the 8-12-96,

[No. L-41012/41/88-D-2(B)]

P, J, MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT
PANDU NAGAR, KANPUR

Industrial Dispute No. 240 of 1989

In the matter of dispute between:

Sachiv Rashtriya Chaturth Shreni Railway Maz-
door Congress INTUC, 2/236 Namneir Agra.

AND

Dy Chief Engineer (C)
Central Railway
Jhansi.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41012/41/88/D-2(B) dated 5-10-89, has referred the following dispute for adjudication to this Tribunal:—

Whether the Dy. Chief Engineer, Central Railway, Agra was justified in terminating the services of Sri Satendra Singh s/o Sri Nathu Singh w.e.f. 11-1-88? If not what relief the workman was entitled to?

2. The concerned workman Satendra Singh in his claim statement has alleged that he was engaged on 3-10-83 by the opposite party D.C.E. Agra under D.R.M. Central Railway Jhansi. His services were abruptly brought to an end on 11-1-88 without observing rule of law, hence his termination is bad.

3. The opposite party has filed reply in which it was alleged that concerned workman had procured employment by furnishing a fake service card of the past service. Hence his services came to an end automatically.

4. In the rejoinder it was alleged that termination of services even in such case without giving opportunity to show cause was bad.

5. Thus it is the case of both parties that termination of the services of the concerned workman is on the basis of alleged submission of fake service card. Admittedly no enquiry was held. In the case of Union of India versus M. Bhaskaran 1996 Lab IC 581 it was held that in such a case removal from service without affording opportunity to the delinquent employee was against the principles of natural justice. As such it is illegal. This relying upon this case it is held that removal from service of the concerned workman is bad in law.

6. Hence he is entitled for reinstatement in service. No orders as to back wages are being passed as it will be still open to the management to hold enquiry in this regard and if charge is proved management is free to award suitable punishment.

15-11-1996.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1996

का.आ. 4996.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप सी.एस.टी.ई., सेंट्रल रेलवे मथुरा के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/60/91-डी-2(बी)]

पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 12th December, 1996

S.O. 4996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dy. CSTE, Central Rly Mathura and their workman, which was received by the Central Government on the 2-12-96.

[No. L-41012/60/91-D-2(B)]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 46 of 1992

In the matter of dispute between:

President Rashtriya Chaturth Shreni Rail Mazdoor Congress 2/236 Namneir Agra.

AND

Dy. CSTE (Construction) Central Railway Mathura.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41012/60/91-D-2(B) dated 4-3-92, has referred the following dispute for adjudication to this Tribunal —

Whether Dy. CSTE(C) S&T Deptt. Central Railway Mathura is justified in not regularising the services of Sh. Rajendra Kumar Yadav as Motor Driver w.e.f. 1-1-82? If not, what relief the workman is entitled to ?

2. The concerned workman Rajendra Kumar Yadav in his claim statement has alleged that he was engaged as MRCL Motor Driver since 1-1-82, still he has not been regularised. Juniors to him like Sudhir, Islam, Pillai, Kam Kishan etc. have been regularised. The concerned workman apart from being regularised has been demoted w.e.f. 5-5-86.

3. The opposite party has filed reply in which it is not disputed that the concerned workman was working as M.K.C.L. Driver w.e.f. 19-1-82. A Screening Committee was constituted for selection of regular Motor Drivers. In it the concerned workman did not qualify. Giving further details it is alleged that the concerned workman was permanently absorbed as Khalasi in the year 1987 thereafter he was sent to Construction Organisation under Dy. CSTE(C) Jhansi. There he was made to officiate as Motor Driver on adhoc basis. On that basis he cannot claim regularisation.

4. In the rejoinder nothing new has been said.

5. There is copy of order dt. 20-7-87 passed by Dy. CSTE(C) Jhansi which go to show that the concerned workman was temporarily promoted as Jeep Truck Driver (C) grade purely on adhoc and trial basis. The case of the concerned workman is that since he has been continuously working on this promoted post he is entitled for regularisation. In my opinion, the claim of concerned workman is not in consonance in pronouncement of Hon'ble Supreme Court and other High Court. In the case of Jammu & Kashmir Public Service Commission versus Narendra Mohan AIR 1994 SC 1805, it has been held that adhoc employees should be replaced as expeditiously as possible by regular employees. Further adhoc appointees cannot be clothed with the right to get regularisation in the post. Further in the case of Sanjay Chakravorty versus Union of India 1996 Lab. I.C. 1326 it has been held that a person who has been temporarily appointed cannot claim regularisation specially on a promoted post. Further in the railway department promotion from MRCL to higher post is made on the basis of trade test. I think that this procedure should not be allowed to circumvent simply by making claim on the basis of long continuous working on such promoted post.

6. In view of above discussion I am of the view that the concerned workman is not entitled for regularisation on the posts of Jeep Truck Driver on which he is working on the basis of order dated 20-7-87

passed by Dy CSTE(C) Central Railway Jhansi. There has been no breach of any fundamental right or principle of natural justice if juniors to the concerned workman have been regularised on the basis of trade test.

7. Hence my award is that concerned workman is not entitled for regularisation. However, I would order that the opposite party should afford an opportunity to the workman by taking trade test or any other test as required by Rule within a period of one year from the date of publication of award and if the concerned workman is found it he should be regularised I have passed this order in view of his claim that juniors to him have been regularised.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1996

का.ग्रा. 4997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे, नागपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/64/92-आई.आर. (डीयू)]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 18th December, 1996

S.O. 4997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure. In the industrial dispute between the employers in relation to the management of Central Rly. Nagpur and their workman, which was received by the Central Government on the 2-12-1996.

[No. L-41012/64/92-IR(DU)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-1/67 of 1993

PARTIES :

Employers in relation to the management of
Central Railway, R. E. Nagpur.

AND

Their Workmen.

APPEARANCES :

For the Management : No appearance.

For the Workman : Workman present in person.

STATE :

Maharashtra

CAMP :

Nagpur

Nagpur, dated the 22nd day of October, 1996.

AWARD

Shri Rashtrapal Bodel workman in person. None on behalf of management in spite of notice.

Heard the workman and perused the record.

The appropriate Government has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Dy. CSTE. Rly. Electrification, Ajni, Nagpur in terminating the services of Shri Rashtrapal P. Bodel is legal and justified? If not, to what relief he is entitled to?"

Briefly stated, the case of the workman is that he entered the service of the opposite party in 1981 and was brought on regular employment in 1984. In 1987, his services were terminated abruptly without offering him any retrenchment compensation. There was non compliance with the provisions of Section 25-F and 25-G of the Industrial Disputes Act. Hence, he was entitled to be reinstated with back wages.

The management resisted the claim and pleaded that the workman had not completed 240 days of service preceding his termination. It was also alleged that the workman had produced a forged casual Labour card on the basis of which he was appointed. On enquiry, the card was found to be bogus. It was also pleaded that the claim was belated.

The workman denied that he had secured service on a bogus labour card or any enquiry had been made on this charge.

The management has not placed any material to show that workman obtained employment on the basis of any bogus labour card or that any enquiry had been made on such a charge.

The management has placed on record Annexure P. I which shows that the workman served from 19-10-1985 to 18-3-1987. Computed from 18-3-87 Backwards to 19-3-1986, it is found that the workman had worked for 322 days in the preceding calendar year i.e. he had worked for more than 240 days. It is neither pleaded nor proved that he was paid any retrenchment compensation. Hence, his retrenchment is void altogether. He is, therefore, directed to be reinstated in service, with backwages and continuity of service. Award is made accordingly exparte.

R. S. VERMA, Presiding Officer.

नई दिल्ली, 18 दिसम्बर, 1996

का.ग्रा. 4998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिब्बजनल रेलवे मैनेजर लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार

अधिकाधिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/69/91-आई.प्रार. (डी यू)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 18th December, 1996

S.O. 4998.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Provisional Rly., Manager Lucknow and their workman, which was received by the Central Government on 2-12-1996.

[No. L-41012/69/91-IR (DU)]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, PANDU NAGAR, KANPUR

In the matter of dispute :

BETWEEN

General Secretary, Purvottar Railway Shramik Sangh.

6, Navin Market, Kasarbagh, Lucknow.

AND

Divisional Railway Manager, N.E.R. Ashok Marg, Lucknow.

Industrial Dispute No. 38 of 1992.

AWARD

1. Central Government: Ministry of Labour, New Delhi, vide its notification No. L-41012/69/91/

IRDU, dated 16-7-1992, has referred the following dispute for adjudication to this Tribunal :—

Whether the Divisional Railway Manager North Eastern Railway, Lucknow is justified in not affording an appointment on compassionate grounds to Smt. Hemkumari Tiwari, wife of late Santosh Kumar Tiwari in terms of Railway Boards Circular No. E(NG)/II 84/HC-1/26, dated 18-4-1985. If not, what relief she is entitled to ?

1. The concerned work-lady Hemkumari Tiwari in the reference is the widow of Santosh Kumar Tiwari who was engaged as Fireman in Locoshed Charbagh, Lucknow at the time of his death, and at the time of his death on 21-7-1975 he was working in Sitapur City. The applicant made representation in August, 1975, April, 1976, November, 1978, August, 1979, January, 1981, March, 1983, May, 1984, May, 1986, January, 1987, February, 1988, April, 1989, May, 1989 and from June, 1989 to June, 1991 for being given employment on compassionate ground. The same has not been accepted which is wrong

2. The opposite party has filed reply in which it has been alleged that employment on compassionate ground is to be given within 5 years and thereafter this right lapses. Further there has been delay in making this reference.

3. The applicant has filed rejoinder in which nothing new has been said.

4. In the case of Balwant Singh versus Labour Court Bhatinda 1996 Labour I.C. page 45 it is held that right of employment should be claimed within 6 years and after that re-statement should not be allowed. Following the same principle in this case also I am of the opinion that the reference is highly belated and for which there is no satisfactory explanation and as such my finding is that the opposite party Central Railway is justified in not giving employment to the applicant and as such she is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer